EARLY ADMINISTRATIVE SYSTEM OF THE EAST INDIA COMPANY IN BENGAL

Volume 1

1765-1774

A Chapter in the Early Constitutional History of India under British Rule

BY

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PREFACE

An attempt has been made in this volume, first, to describe how the Nawab of Bengal became by degrees, especially from after 1765, a mere stipend-enjoying figure-head, a 'pensioner of state', a 'rubber-stamp' for the use of the servants of the East India Company in Bengal; how the Company gradually built up, through divers experiments, its various political institutions in this province during the period from 1765 to 1774; and how, both on the constitutional and on the administrative side, it, slowly but steadily, consolidated its position as the virtually supreme political authority in the province;

secondly, to set forth in some detail the position, powers and the privileges of the civil servants of the Company in Bengal during the same period, with special reference to the effect of their participation in the inland trade of this province on its economic life;

thirdly, to discuss the nature and extent of the control which the General Court of Proprietors, and in particular the Court of Directors, of the Company exercised in those days over the administration of its affairs in Bengal as well as over the activities of its civil and military servants in the province;

and, lastly, to explain some of the basic principles according to which the system of government which the Company erected in Bengal—and for the matter of that, in India—in the early days of its rule, was actually worked.

The volume is chiefly based upon contemporary manuscript records—hitherto mostly unpublished except by myself through some of my articles—preserved in the Imperial Record Office, now located at New Delhi, Bengal Secretariat Record Office, and in the India Office, London. Part of its material has also been obtained from contemporary Parliamentary Papers (such as Reports, Proceedings, etc.). With the exception of one or two corroborative

quotations, generally inserted in foot-notes, it does not contain any statement based upon information derived from second-hand sources. I have stated facts as I have found them recorded in manuscript documents and, occasionally, in the absence of such documents, in Parliamentary Papers. As a result, in several places I have had to differ from the views of writers who are recognized as authorities on the Indo-British period of Indian History. I may, however, observe that both in the presentation of the facts and in my interpretation of them, I have endeavoured to be strictly impartial and scientific. If I have, in the course of my narrative, referred to acts of oppression on the part of many of the servants of the Company in Bengal, I have not omitted to mention the sincere efforts made by the Court of Directors in London and by some of the superior servants of the Company in this province, to stop such acts, prevent their recurrence, and effectively punish the wrongdoers. For example, I have shown (p. 590) how four British soldiers of the Company 'were condemned to be hanged for the murder of a native inhabitant near' 'Barrampore'—'a severe, but necessary Example' of justice. I may add that there are many things in this volume in regard to the early administrative and judicial system of the Company in Bengal which have been published here for the first time.

The publication of this volume has been rather unduly delayed. The chief reason is that the task I undertook proved in the sequel far more difficult and laborious than I had anticipated. I began my researches in the Imperial Record Office and the Bengal Secretariat Record Office as well as in the Imperial Library, Calcutta, in April, 1931, and practically completed the collection of the major part of my material for this volume by the end of 1937. Altogether I spent, for the collection of material alone, nearly thirty-two months spread over this period and one or two years subsequent to it. Meanwhile, my *Early Land Revenue System in Bengal and Bihar, Volume I, 1765–1772*, had been published towards the end of the year 1936, embodying some of the results of my re-

searches. The present volume, the actual writing and the printing of which have taken a little over six years and a half, may, in a sense, be regarded as a companion volume to my *Early Land Revenue System in Bengal and Bihar*, etc., although it is much more comprehensive in its scope and certainly, to my mind at least, much more important in character than the latter. The two volumes are, however, complementary to each other.

The delay in the publication of this volume has not been without its compensatory advantage. It has enabled me to give more time and thought both to its substance and to its expression than perhaps would otherwise have been possible. In writing this volume (as well as its companion volume published in 1936), if I have aimed at anything, it is scrupulous accuracy of statement. As a matter of fact, I adopted as my motto what Viscount Bryce has said in one place (Vol. I, p. 22) in his great work *Modern Democracies*:

'Although it is well to be definite and positive in statement, it is still better to be accurate. I cannot hope to have always attained accuracy, but it is accuracy above everything else that I have aimed at'.

It is quite possible that in a piece of work of this nature, which has been prepared under the constant pressure of official duties, I may not have always succeeded in avoiding errors in spite of my best efforts. I shall be grateful if any of my readers will kindly call my attention to any errors of view and fact that they may come across. I have inserted, however, a small list of errata, pointing out the misprints, etc., that had escaped my notice.

The present volume ends practically with the termination of the tenure of office held by Warren Hastings as *Governor* of Bengal, and the second volume will begin with the coming into force of what is popularly known as the Regulating Act of 1773. In the second volume I propose to trace the development of the administrative and judicial system of the Company in Bengal down to the year 1793, as I propose, in the second volume of my *Early Land Revenue System in Bengal and Bihar*, to deal with the evolution of the land

revenue system in Bengal and Bihar down to the same year. These four volumes, mainly based upon contemporary manuscript records and Parliamentary Papers, will form together the 'comprehensive treatise' on the early administrative and financial system of the East India Company in Bengal, at which I have been working for the last twelve years, and which I foreshadowed in 1936 in the preface to my *Early Land Revenue System in Bengal and Bihar, Volume I.*

It may be noted here that the contents of Chapters I–IV formed the subject-matter of a course of public lectures on the *Early Administrative System of the East India Company in Bengal*, which, on the kind invitation of the University of Calcutta, I delivered in the first week of March, 1937, at Darbhanga Hall, Calcutta University Buildings; and that portions of this volume previously appeared, in the form of articles, in *Bengal: Past & Present*, *The Dacca University Studies*, and in the *Proceedings of Meetings*, *Indian Historical Records Commission, Vols. XV–XVIII.*

In regard to the spelling of Indian names and terms I have, even in the text, generally given the spellings as I have found them in manuscript records. I have done this purposely, with a view to preventing confusion in the minds of readers. Thus, for example, instead of writing 'Mir Jafar' I have written 'Meer Jaffier'; instead of 'Mir Kasim', I have written 'Meer Cossim' or 'Cossim Aly Khan' or 'Cossim Aly Cawn', etc. I have indicated, however, their modern spellings either in foot-notes in appropriate places, or in the text itself. In so far as the extracts from the original documents are concerned, I have given them as I have found them in the documents. One abbreviation which I have frequently used in foot-notes is O.C. It means Original Consultation—an expression well known to those who deal with manuscript records.

I take this opportunity of offering my sincere thanks to my esteemed teacher Dr. J. C. Sinha, now Senior Professor of Economics, Presidency College, Calcutta, who first suggested to me twelve years ago, while he was at Dacca,

the idea of examining manuscript records in the Imperial and the Bengal Secretariat Record Office, for the purpose of collecting material for an original work on the early administrative and financial system of the East India Company in Bengal. The present volume, like the one on the land revenue system published in 1936, is the fruit of that suggestion. My sincere thanks are also due to the Keeper of the Records of the Government of India, the Keeper of the Records of the Government of Bengal, the Librarian, Imperial Library, and the Librarian, Calcutta University Library, and to the members of their staff, for the facilities they kindly extended to me for carrying on my researches, and for the help I otherwise received from them in the collection of material, during the last twelve years. It was indeed a real pleasure to work in the two Record Offices. I would mention here in particular Khan Bahadur A. F. M. Abdul Ali, F.R.S.L., M.A., sometime Keeper of the Records of the Government of India, Dr. S. N. Sen, M.A., PH.D., B.LITT. (Oxon.), (the present) Keeper of the Records of the Government of India, and Mr. B. B. Chakravarti, B.A., B.L., Keeper of the Records of the Government of Bengal, who have always been very kind and helpful to me. Further, I owe a deep debt of gratitude to the Superintendent of Records, India Office, London, for his kindness in sending me from time to time, at my request, certified copies of valuable manuscript records, not available in India, including copies of Royal Charters relating to the Mayor's Courts in India. In this connexion I must also express my sense of obligation to Miss L. M. Anstey of the India Office for the trouble she has taken for me. I am also grateful to my valued friend Mr J. N. Chaudhury, M.A., of the Department of English in this University, for the help I have received from him in the correction of the proofs of this volume. His literary criticisms have been of great value to me.

Finally, I should be failing in my duty if I did not acknowledge here the forbearance which my publishers Messrs Longmans, Green & Co., Ltd., and the authorities of the Diocesan Press, Madras, have shown. By far the greater

part of this volume was sent to press in August, 1939, and it is being published in 1943. Both the publishers and the authorities of the press have very kindly put up with this delay, which I could not avoid.

This volume has been my constant companion through the joys and sorrows of my life during the last twelve years. I shall, however, consider my labours amply repaid if it proves useful to those who are interested in the study of the early constitutional history of India under British rule, or if it induces further research into the same field by others who are more competent than myself.

UNIVERSITY OF DACCA,
February, 1943.

D. N. BANERJEE.

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ERRATA

P. 45, line 7 from top: *for* 'par' *read* 'part'.

P. 104, foot-note 2, line 6: *for* 'examples' *read* 'example'.

P. 106, line 3 from top: *for* 'the subscribers' *read* 'the bulk of the subscribers'.

P. 114, foot-note 5, line 1: *for* 'examples' *read* 'example'.

P. 118, foot-note 2, line 9, *insert* '(*sic*)' *after* 'Zepheniah'.

P. 139, foot-note, line 19 from bottom: *for* '*in*' *read* 'in'.

P. 142, line 17 from top: *omit* 'the'.

P. 145, *omit* the marginal note.

P. 152, line 19 from top: *for* 'Nabob' *read* 'Nawab'.

P. 200, line 27 from top: *for* 'examplary' *read* 'exemplary'.

P. 224, foot-note 2, line 3: *for* 'pp. 126–28' *read* 'pp. 124–28'.

P. 278, foot-note 3, line 4, *insert* '(J. ?)' *after* 'F'.

P. 387, lines 2–3 from top: *for* 'the Society or Committee of Trade' *read* 'the Society of Trade'.

P. 387, marginal note: *for* 'Society or Committee of Trade' *read* 'Society of Trade'.

P. 398, lines 22–3 from top: *for* 'the Society or the Committee of Trade' *read* 'the Society of Trade'.

CHAPTER I

INTRODUCTORY

(I)

SITUATION IN BENGAL AFTER THE GRANT OF THE DIWANI AND THE POSITION OF THE NAWAB[1]

THE expression 'the Dewanny[2] of Bengal Bahar and Orissa' ordinarily implied, to quote the words[3] of the Select Committee at Fort William, 'the collecting all the Revenues (in those provinces) and after defraying the Expences of the Army and

Meaning of 'Diwani'.

[1] This was the subject of the first of the course of public lectures on '*The Early Administrative System of the East India Company in Bengal*', which the author, on invitation by the University of Calcutta, delivered in March, 1937, at Darbhanga Hall, Calcutta University Buildings. The date of the first lecture was 1st March, 1937. A summary of this lecture appeared in *The Amrita Bazar Patrika* (Town Edition) of 15th March, 1937.

[2] Dewanny—or Diwani—was the term applied to that branch of administration which was concerned with the collection of revenues. It also involved the administration of justice in civil cases. (Also see the next foot-note).

[3] See the Select Committee's letter to the Court of Directors, dated at Fort William 30th September, 1765, para. 22.

We also find in a letter, dated at Fort William 11th March, 1762, to the Secret Committee of the United Company of Merchants of England trading to the East Indies :—

'Para. 27. His Majesty (i.e. the Mughal Emperor), before his Departure, gave the most unquestionable Proof of his Hatred to Cossim Aly Chan, and of his Esteem for the English, by the voluntary offer he made them of the Dewanny of Bengal. This Post is the Collection of the Revenues of all the Provinces subject to the Nabob, which are to be accounted for with the Court of Delhy. It differs from the Subadarree ; the latter being the Command of the Troops, and the Charge of the Jurisdiction in the Provinces ; the Expences whereof are paid out of the Revenues by the Dewan. It was formerly a separate Office, but the Nabobs of Bengal, taking Advantage of the late Commotions in the Empire have assumed it to themselves.'—The letter was signed by Eyre Coote, P. Amyatt, John Carnac, W. Ellis, S. Batson, and H. Verelst. They were not in favour of the revolution on behalf of Cossim Aly Khan (Mir Kasim).

See the First Report of the Select Committee, House of Commons, May 26th, 1772, App. 12.

(For the 'Select Committee' referred to above, see Appendix 1).

allowing a sufficient Fund for the Support of the Nizamut '.[1] remitting 'the Remainder to Delhi, or wherever the King shall

Also Holwell, once Governor of Bengal :

'The rents of the lands are the property of the Emperor. In consequence of which he has a royal Dewân in every Nabobship, who ought to be accountable to the royal treasury for the whole amount of the rents, as rated upon the King's books'.—Quoted by Bolts in his *Considerations on India Affairs*, 1772, p. 34.

Lastly, Mahomed Reza Cawn has given the following detailed account of what belonged 'to the Dewannee':—

'No. 1 The appointing of Aumils into the Moffussul

2 The Collections & whatever belongs thereto

3 The settling a Bundibust of the Pergunnahs

4 The examining of Duanny Sunneds under the signature of the Nazim for Talooks, charity Lands, religious Donations of Berhameter (Brahmattur ?) and Deoter (Debattur ?)

5 The investigating the Districts and forming a Hustabood

6 The uniting or separating one District from another.

7 The placing and displacing the Zemindars with the Consent of the Nazim.

8 The Cultivation of the Country & whatever tends to increase its Revenue.

9 The examining Complaints against Aumils & Zemindars making illegal Demands.

10 The Limiting the Boundaries of a Zemindarry and adjusting Complaints not deserving of Capital Punishment

11 The examining of Talooks and adjusting the rights of Talookdars

12 The writing of Perwanas to enforce payment of the revenue and the recalling of Aumils from the Moffussul on any Complaints'.

—See the Moorshedabad Consultation of 3rd December, 1770; also Secret Consultation, Fort William, 17th January, 1771.

[1] Nizamut—Relating to the Nazim ('the first officer of a Province' in whose hands the executive power was vested; also styled the Subahdar or Nabob); the office or post of a Nazim.

Describing the position of the Nawab, Vansittart, once (1760-64) Governor of Bengal, has remarked :

'The Nabob, as he is usually termed, or properly the Nazim of a province, is an officer of the Mogul Government, appointed to superintend the affairs of the province during the pleasure of the court (i.e. the Mughal Emperor). This commission extends not even to the life of the possessor, and in the early times of the empire it was usual to make frequent removals, to prevent the dangerous effects of an increasing influence. Neither, according to the original institution, has he any right to interfere in the management of the revenues, which branch belongs to another officer, called the Dewan, appointed also by the court, and in every respect independent of the Nazim. It is true, that since the authority of the Emperors began to decline, the Nazims, taking advantage of the distractions of the state, have generally established themselves in such a degree of independency, as to pay little more than a nominal obedience to the court. The forms are still kept up, but they serve only to shew what was the original constitution. The Dewan is still appointed by a commission

reside or direct'. But 'the Dewanny of Bengal, Bahar and Orissa' as granted[1] to the East India Company by the Mughal

from the court, but the interest, or rather the force, of the Nazim procures it in the name of his son, or nearest relation. Upon the death of a Nazim, the succession, whether continued in the same family, or seized by a stronger, is not considered as valid, till confirmed by the Imperial patent; but this the actual possessor finds no difficulty in obtaining.' See Vansittart, *A Narrative of the Transactions in Bengal from the Year 1760, to the Year 1764*, etc., Vol. I, 1766, Introduction, pp. iv–v.

And Mahomed Reza Cawn has given the following 'account of what falls under the Nizamut':—

"No 1 Household affairs of the Nazim, Mirsumanny Bhela and Sepoys

2 The placing and displacing of Naibs and Cazies, Ytisabs,* and Naibs of the Adawlut and Fougedars

3 The sentencing and inflicting of Capital Punishment

4 The calling of Robbers etc. out of the Moffussul

5 The protecting of Talookdars from the Oppression of Individuals".

—See Moorshedabad Consultation, 3rd December, 1770; also Secret Consultation, Fort William, 17th January, 1771.

Also see Bolts, *Considerations on India Affairs*, 1772, p. 34.

(* Ytisabs or Ihtasab = Superintendent of Police; Supervisor of weights and measures.)

[1] It may be noted in this connexion that the Emperor had offered in 1761 to confer on the Company 'the Duannee of Bengal on Condition' of its 'being answerable for the Royal Revenues'; but that the President and Council at Fort William had thought it more prudent to decline the offer as they had been 'sensible' that their acceptance of the same 'would cause Jealousy and Illwill' between the Company and the Nawab of Bengal.—(See Para. 58 of the General Letter from Bengal to the Court of Directors, dated at Fort William 12th November, 1761).

We also find in the Proceedings of the meeting of the Council in its Secret Department, held at Fort William on 20th February, 1765, that the majority of the members present thereat held, as against Mr Gray, that the Diwani offered by the King had been refused by the Council 'not for fear of giving any umbrage to any European Nations, but because we (i.e. the Company) were then in actual Treaty to support Meer Cossim'. And it appears from para. 55 of its General Letter to the President and Council at Fort William, dated 9th March, 1763, that the Court of Directors of the Company approved of their action, saying:

'Your Refusal of the Duannee of Bengal offered by the King, was certainly right, and we are well satisfied with the just and prudent Reasons you give for declining that offer. . .'

But after the Battle of Buxar (23rd October, 1764) and the death of Meer Jaffier (5th February, 1765, see p. 20), and with a Nawab like Nazm-ud-Dowla on the Musnud of Bengal and with an Emperor mainly depending on it for 'protection and even subsistence', the Company was in a different position in 1765 when it sought, and was granted, the Diwani of Bengal, Bihar and Orissa. As the Select Committee at Fort William had written in a letter addressed to Lord

Emperor, Shah Alam, on 12th August, 1765, meant something else. Under the relevant Royal Farman,[1] dated 12th[2] August, 1765, which conferred upon the Company in perpetuity[3] the Diwani authority over those three provinces,[4] and the Articles of Agreement between the Nawab of Bengal (Nazm-ud-Dowla) and the Mughal Emperor, dated 19th August, 1765,[5] the Company had 'to be security for the regular payment'[6] by the Nawab of 'the sum of 26 Laaks

Clive on 21st June, 1765 [after the latter had informed the Committee on the same date that he intended leaving Calcutta in a few days, and had desired that he might be 'entrusted with power in conjunction with General Carnac for concluding peace wth Shuja Dowla (Vizier of Oudh) and regulating the Company's Interests with the Country powers'] :

'And this My Lord would appear to us the most favorable occasion that may ever occur for obtaining Sunnuds from the King for the Dewanny of Bengal, a point of great consequence to the Company much desired & strongly solicited by General Carnac, but without effect, a price being expected and demanded that was thought by the Governor & Council more than equivalent to the advantage.—Times are since altered, the King is now dependant on our Bounty, his whole hopes of protection and even subsistence rest upon us. It cannot therefore be supposed he will prove obstinate in denying a Request of little consequence to him in his present circumstances, but advantageous to us his greatest benefactors, We may say his only Friends. We therefore beg leave to recommend this as one of the most important Points to be negotiated'.—See the Select Committee's letter to Lord Clive (President and Governor), dated at Fort William 21st June, 1765, in the Proceedings of the meeting of the Committee held at Fort William on 21st June, 1765.

[1] 'Farman' was the technical term for a grant made by the Emperor himself.

[2] Strangely enough, this grant of the Diwani of Bengal, Bihar and Orissa by Shah Alam has been dated by Ilbert (*The Government of India*, 3rd Edition, 1915, p. 37, foot-note 2) and Forrest (*Selections from the State Papers of the Governors-General of India*, Vol. I, *Warren Hastings*, *Introduction*, 1910, p. 2n) 17th August, 1765. The date should have been 12th August, 1765.

[3] The exact language of the Farman was: 'From Generation to Generation for ever & ever'. See Appendix 2.

[4] See Proceedings, Select Committee, Fort William, 7th September, 1765; also Home Department (Public) O.C. No. 2, Fort William, 9th September, 1765.

[5] See Proceedings, Select Committee, Fort William, 7th September, 1765; also Home Department (Public) O.C. No. 8, Fort William, 9th September, 1765.

[6] These words occur in the Agreement (referred to in the text) between the Nawab of Bengal and the Mughal Emperor.—See *ibid*.

of Rupees a year '[1] as the royal revenue.[2] Payment was to be made every month[3] at the rate of 'Rupees 2,16,666-10-9 P month', from the (Company's) Factory at Patna to Raja Shitab Roy or to whomsoever His Majesty might think proper to nominate, that the latter might forward the amount paid to the (Imperial) Court.[4] In case, however, the territories of the Nawab were invaded by any foreign enemy, a deduction[5] was to be made from the stipulated revenue in proportion to the damage that might be sustained by the Nawab.

The Royal Farman also provided that, as the Company had to maintain a large army for the protection of the provinces of Bengal, Bihar and Orissa, it was to appropriate to its own use whatever surplus might remain out of the revenues of those provinces, 'after remitting the sum of 26[6]

[1] 'Without any deduction for Batta on Bills of Exchange'.—See the documents referred to in foot-note 5 on page 4.

[2] The relevant text in the Farman granting the Diwani was :—' It is requisite that the said Company engage to be security for the sum of twenty-six Laaks of Rupees a year for our royal Revenue, which sum has been appointed from the Nabob Nudjum-ul-Doula Bahadre, and regularly remit the same to the Royal Sircar. . . '—See Home Department (Public) O.C. No. 2, Fort William, 9th September, 1765.

[3] 'The first payment to commence from the 1st September', 1765.

[4] See the Home Department (Public) O.C. No. 8, Fort William, 9th September, 1765.

[5] *Ibid.*

[6] It may be interesting to note in this connexion how the Emperor agreed to accept the sum of 26 lakhs of rupees as the royal revenue. It appears from a letter which Lord Clive and General Carnac wrote from Allahabad, on 12th August, 1765, to the Select Committee at Fort William, that they had paid a visit to the Emperor on the previous day on business and that His Majesty had presented to Lord Clive his demands in the Persian Language. He had 'insisted very strenuously that his Revenues should be made agreeable to the Engagements entered into by the late Nabob Meer Jaffier and Cossim Ally Cawn ; viz., Twenty-six Laaks of Rupees in Money, and Five and a Half Laak (*sic*) in Jaggiers'. 'This last Article', Lord Clive and General Carnac further wrote, 'we could not consent to ; and the King, with some difficulty, was persuaded to give it up, on our representing the great Expence of supporting an Army for the Defence of the Provinces, and the large Demand of the young Nabob for the Maintenance of his Forces'.

'His Majesty then demanded', continuing, they said, 'the payment of all Arrears due to him from the late Nabob Meer Jaffier, Cossim Ally, and the present Nabob Nizam ul Dowla, amounting in the Whole to Thirty-two Laaks ; in Answer to which, we pleaded the absolute Impossibility of paying One Rupee, from the Poverty of the Treasury, occasioned by the long and expensive War we had been

Lack (*sic*) of Rupees to the Royal Sircar and providing for the expences of the Nizamut'. And under an Agreement[1] with the Company in consequence of its acquisition of the Diwani, the Nawab consented to accept the annual sum of sicca rupees 53,86,131-9-0 as an adequate allowance for the support of the Nizamut. It was to be regularly paid to him as follows :—

(*a*) the sum of sicca rupees 17,78,854-1-0 for all his household expenses, servants, etc. ; and

(*b*) the remaining sum of rupees 36,07,277-8-0 'for the maintenance of such Horse, Sepoys, Peons, Burcandasses etc.' as might be thought necessary for his Sewarry,[2] and for the support of his dignity, provided, however, that such an expense was found necessary to be kept up in future.

At any rate, the total amount stipulated in the Agreement as annually payable to the Nawab, was on no account to be exceeded.[3]

engaged in, partly on his Majesty's Account, and the great Ballance still due from the Nabob for Restitution to the sufferers. He expressed some Warmth and Displeasure at our Obstinacy on this Point ; however, after some Debates, he at last acquiesced '.—See Proceedings, Select Committee, Fort William, 7th September, 1765 ; also the Third Report of the Select Committee, House of Commons, 8th April, 1773, Appendix No. 69.

For 'Restitution' referred to in the above quotation, see pages 15-16, and also pages 31, 60 and 74n *post*.

[1] See the Proceedings of the Select Committee, Fort William, of 7th September, 1765; also Home Department (Public) O. C. No. 3, 9th September, 1765. The relevant O. C. does not give any date of the Agreement. As we have shown elsewhere (*Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765–72, pp. 5–7, foot-note), the Agreement in question must have been executed on a date in between 24th August, 1765, when Clive was on 'the Ganges near Benares' on his way back from Allahabad and 7th September, 1765, when, on his return to Calcutta, he laid before the Select Committee 'an account of his several negociations (*sic*) with the Country Powers during his absence from the Presidency'.

[2] I.e. the train of attendants who accompanied the Nawab on the road.—See William Bolts, *Considerations on India Affairs*, 1772, p. xix.

[3] On the other hand the allowance payable to the Nawab was gradually reduced as shown below :—

It was Rs. 53,86,131-9-0 per annum in the case of Nawab Nazm-ud-Dowla ; it was then reduced to Rs. 41,86,131-9-0 per annum in the case of Nawab Syf-ud-Dowla under an Agreement between him and the Company, dated 19th May, 1766; further reduced to Rs. 31,81,991-9-0 per annum in the case of Nawab Mubarak-ud-Dowla under an Agree-

The position of the Nawab.

We may mention in this connexion that we find from a letter of Mr Francis Sykes[1] (a member of the Select Committee at Fort William), dated at Moraudbaug, Moorshedabad, 28th July, 1765, and addressed to 'W. B. Sumner, Esq. and Gentlemen of the Select Committee', that the Nawab had

ment between him and the Company, dated 21st March, 1770; and finally ordered by the Court of Directors to be fixed at sixteen lakhs of rupees per annum. *Vide* the Court's letter to the President and Council at Fort William, dated 10th April, 1771. The Court wrote in this letter of 10th April, 1771:—'Convinced as we are that an allowance of sixteen lacks per annum will be sufficient for the support of the nabob's state and rank while a minor, we must consider every addition thereto as so much to be wasted on a herd of parasites and sycophants who will continually surround him, or at least to be hoarded up, a consequence still more pernicious to the Company. You are therefore during the nonage of the nabob to reduce his annual stipend to sixteen lacks of Rupees'.

—See the General Letter from Europe, dated 10th April, 1771, to the President and Council at Fort William in Bengal; also Secret Consultation, Fort William, 14th December, 1772; also *Further Report of the Committee of Secrecy*, House of Commons, 1773; also *First Report of the Select Committee*, House of Commons, 26th May, 1772, App. No. 2; also Aitchison, *A Collection of Treaties*, etc., vol. 1, 1909.

[1] Mr Sykes had, on the suggestion of Clive, been sent by the Select Committee to Moorshedabad as its Deputy, since Clive had informed the Committee in his letter to it, dated at Mutajyl (Moorshedabad) 3rd July, 1765, that the system of administration which the Committee had established at Moorshedabad, namely, the 'equal partition of Power between Mahomed Reza Cawn, Doolubram (Roy Dullab) and Juggutseet' (see page 45, foot-note 4, and also page 47, foot-note 2 *post*) was in danger of being subverted through the ambition of Doolubram and 'the excessive moderation or timidity' of Mahomed Reza Cawn. Mr Sykes had accordingly been commissioned by the Committee as follows:—

'You are therefore to keep the most watchfull Eye over this Minister (Doolubram); to check every symptom of his aspiring at a greater share of the administration than We have allotted him, to convince him that We are determined to support the present regulation of the Government & that any tendency in his Conduct to deviate from a measure which We consider as essential to the due management of affairs & the Peace & happiness of the Country, will necessarily incur our displeasure and exclude him from the proportion of Power he now enjoys.'—See the Select Committee's letter to Mr Francis Sykes, dated at Fort William, 7th July, 1765; also its letter to Lord Clive of the same date; also the Proceedings of its meeting held at Fort William on the same date.

It may be added that Mr Samuel Middleton was the Resident at the Durbar when Mr Sykes was deputed there by the Select Committee on this special mission. And lest Mr Middleton should interpret this action on the part of the Committee as a reflection on his capacity for such kind of work, the Committee wrote to him in its letter, dated at Fort William 9th July, 1765, that he should not regard Mr Sykes's visit 'as derogatory in the smallest degree from the weight &

previously agreed,[1] in consideration of a fixed annuity of 53,86,131 sicca rupees, to 'throw all the affairs of the Government into the hands of M. R. Cawn Doolubram, and Juggut

influence it is proper you should maintain as publick Resident from the Board.' See Proceedings, Select Committee, Fort William, 7th July, 1765.

(Curiously enough, the letter of the Select Committee to Mr Samuel Middleton is dated 9th July. 1765, although it has been entered in its Proceedings of 7th July, 1765. Either the date as given in the letter is a clerical error, or the letter might have been written two days after the decision to depute Mr Sykes to the Durbar had been taken by the Select Committee. This seems to us to be the only reasonable explanation.)

[1] It should be noted here that all the important terms of the Agreement with the Nawab had previously been settled between him and Clive during the stay of the latter at Moorshedabad on his way up to Allahabad, and that Clive had left the particulars thereof to be adjusted by Mr Sykes. The original stipulation was that the Nawab should have an annuity of Rs. 50 lakhs : it was later on raised to Rs. 53,86,131-9-0 on a representation by the Nawab. This we find from Clive's and Mr Sykes's letters to the Select Committee. In his letter 'dated Great Ganges, 11th July, 1765,' Clive wrote to the Select Committee : 'We have often lamented that the Gentlemen of the Council (at Fort William) by precipitating the late Treaty (with Nazm-ud-Dowla), had lost the most glorious opportunity that could ever happen of settling Matters upon that solid and advantageous Footing for the Company, which no temporary Invasion could endanger. The true and only Security for our Commerce and territorial Possessions in this Country, is, in a Manner, to always have it in our Power *to overawe the very Nabob we are bound by Treaty to support*; a Maxim contrary to this has of late been too much adopted ; and from that fundamental Error, as I must call it, has sprung the innumerable Evils, or at least Deficiencies, in our Government ; which, I have now the Pleasure to inform you, are in a fair way of being perfectly removed.

'The Nabob, upon my Representation of the great Expence of such an Army as will be necessary to support him in his Government, the large Sums due for Restitution, and to the Navy (see p. 74n), together with the Annual Tribute which he will be under a Necessity of paying to the King, has consented, and I have agreed, provided it should obtain your Approbation, and be duly ratified and confirmed by the King's Firmaun, That all the Revenues of the Country shall be appropriated to these Purposes, Fifty Laaks of Rupees per Annum for himself excepted. Out of this Sum is to be defrayed all his Expences, of every Nature and Denomination.. . . . . .'

Although the sum, Clive further said, 'proposed to be stipulated for the Nabob, considering the present great Expences and Demands, may appear large, yet, by what I can learn, his Expence exceeds the Sum to be allowed; and, altho it is certain that neither his Education nor Abilities will enable him to appear to Any Advantage at the Head of these great and rich Provinces, yet, I think, we are bound in Honour to support the Dignity of his Station, so far as is consistent with the 'true Interest of the Company'. 'The Particulars of this Matter', he

Seçt the Ministers appointed by us (i. e. the Company) & make over the management of the Subahdary with every

concluded, 'may be further adjusted in my absence by Mr Sykes (to whom I have communicated my Ideas) if the Plan be approved by the Select Committee; and the whole may be finally concluded to our Satisfaction, upon the Company's being appointed the King's Duan; who will be impowered by the Nature of their office, as well as by the Nabob's Consent, to settle every Point'.

And we find in Mr Sykes's letter to the Select Committee, dated at Moraudbaug 24th July, 1765 :—'I have had the pleasure to receive several Letters from Lord Clive since I left Calcutta wherein his Lordship represents to me the inconveniences and difficulties the present Ministers (of the Nawab) find in carrying on the affairs of the Government, owing to the Nabob's ignorance and his being totally unacquainted with any kind of Business whatever; to obviate & effectually remove an Evil of so dangerous a tendency, his Lordship recommends to me to endeavour to get the Nabob to throw the management of affairs entirely into the hands of the Ministers now in power, to make over all the advantages arising from the Subaship to the Company, to enable us to pay the expences of the Army, discharge the Demands for restitution, Navy etc., (see p. 74n), & for an annual stipend to the King, with other contingent expences, in consideration of our paying him a sum of about 50 Laaks P annum, for his horses, sepoys, Begum, Brothers Jenana, Household charges & every other expences which may attend himself.—This undoubtedly will be a grand point and to obtain it I shall certainly exert my endeavours. . . . .'

Further, in his letter to the Select Committee, dated at Moraudbaug 28th July, 1765, Mr Sykes wrote : 'I can with pleasure inform you that I have compleated the Business which was so earnestly recommended to me by Lord Clive. The Nabob after a few representations of the Difficulties he would throw in the way of public Business, and how much he would be embarassed (*sic*) from his little knowledge of Affairs of so much consequence, has after a mature consideration agreed to accept of a stipend of Sicca Rupees 53,86,131 P annum & will in consequence of such agreement throw all the affairs of the Government (etc., see the text above) . . . . to the Company. I could, I believe, have brought him to accept of 50 Lacks But on his Representation to me of his being too closely tied up relative to the allowance made him for his Asswarry, Emambarrah Expences, Jenana and other articles I could not think but of acquiescing with so reasonable a Demand particularly when I considered what a great sacrifice he has made, & what a glorious opportunity he gives us of establishing a new system of Government, which if properly adopted, regulated & pursued with steadiness & firmness, bids fairest for settling that tranquillity in the three provinces which has been so long wanting & confessedly so essential for the good of the country, the Nabob's ease, & prosperity of the Company This prospect I own appears to me of no less importance to our Honble Employers than that of establishing them in this Kingdom beyond the attempts of any Enemy whatever & securing such real & solid advantages as from our influence We have a right to expect and which must in a very short time render the Company the greatest & most potent commercial Body in the World. But to effectually compleat this Plan, will be to secure the Dewannai (*sic*), which tho formerly a very distinct office is

advantage arising from it to the Company'.[1] And earlier in

yet now become so dependant on the Subahdarry that they cannot with any propriety be in two different Interests; This can be very easily procured by Lord Clive & I make no doubt but it will on a Representation from the Committee to his Lordship on the subject'.

We may add that in its reply to Mr Sykes, dated at Fort William 10th August, 1765, the Select Committee wrote to him that it entirely agreed with him that the addition he had made to the allowance first proposed for the support of the Nabob's dignity, was 'in itself reasonable, and but a trifling equivalent for the important advantages gained'. —See the Proceedings of the Select Committee, Fort William, of 10th August, 1765; also the Third Report of the Select Committee, House of Commons, 8th April, 1773, Appendix 87.

[1] Commenting on this agreement the Select Committee wrote to the Court of Directors in its letter, dated at Fort William 30th September, 1765: 'Indeed the Nabob has abundant reason to be well satisfied with the conditions of his Agreement, whereby a fund is secured to him without trouble or danger adequate to all the purposes of such grandeur and happiness *as a Man of his Sentiments has any conception of enjoying. More would serve only to disturb his quiet*, endanger his government, and sap the foundation of that solid structure of power and wealth which at length is happily reared and completed by the Company after a vast expence of blood and treasure'.

(The italics are ours.)

And Malcolm has stated in his *Life of Robert, Lord Clive*, Vol. III, pp. 124–25, that in a letter to Mr Verelst, also dated 11th July, 1765, Clive sufficiently characterized the Nabob by a single trait:—

'He received the proposal of having a sum of money for himself and household at his will with infinite pleasure; and the only reflection he made, upon leaving me, was, "Thank God! I shall now have as many dancing girls as I please'."

It may be mentioned here that Mr Sykes made, on the suggestion of Clive, certain arrangements for the payment of stipends to some members of his family out of the allowance proposed to be granted to the Nawab. 'In the Course of settling this Business with the Nabob', wrote Mr Sykes in his letter to the Select Committee, dated at Moraudbaug 28th July, 1765, 'I have had the greatest attention to every part of his familly (*sic*) to prevent their receiving any ill treatment or bad usage from him. Their allowance I have settled as follows. To Syfo Dowla 7,000 Rs P month Mabahrac O Doula 5,000 Rs, Merin's son 5,000 Rs, The Begum & her family 6,000 Rs P month These Sums tho much more than what has hitherto been expended on their account, yet it is neither for our honor or credit to deprive them of a support in Life suitable to their Rank & Dignity. I have for the better securing these sums to them got M: R: Cawn, Doolubrum & Juggut Seet to take upon them the charge of this money, to pay it monthly, or as shall be most agreeable to them to receive it'. See Proceedings, Select Committee, Fort William, 10th August, 1765; also Clive's letter to the Committee entered therein, dated Great Ganges, 11th July, 1765.

Mahomed Reza Cawn, Doolubram and Juggut Seet were 'likewise to have the payment of all the Nabob's sepoys, Horse, Servants, Etc.', and the Nawab also agreed to this arrangement 'very readily and with pleasure'.—See the Proceedings of the Select Committee at Fort William, dated 10th August, 1765.

the year 1765 the Nawab entered into a treaty[1]—or rather had, as we shall shortly see, to enter into a treaty—with the Company which provided, among other things, that the Governor and Council at Fort William did engage themselves, on behalf of the Company, to secure to him 'the Subadarree of the Provinces of Bengal Bahar and Orixa (Orissa) and to support him therein with the Company's Forces against all his Enemies'; that they would 'at all Times keep up such force' as might be necessary effectually to assist[2] and support him in the defence of those provinces; and that, as the troops of the Company would be more dependable than any the Nawab could have, and would be less expensive to him, he was to 'entertain None but such' as would be 'required for the support of the civil officers of his Government, And the Business of his Collections thro' the different districts'.[3] And the Nawab, on his part, declared: 'As I esteem the Company's troops entirely equal thereto and as my own, I will only maintain such (troops) as are immediately necessary for the dignity of my person and government, and the business of my collections throughout the provinces'.[4] In plain language all this meant that the military defence of

We also find in the Proceedings of the Select Committee, of 10th August, 1765, that those persons 'have with the Nabob's full consent taken upon themselves the payment of the Sepoys, Horse Servants, Household (?) etc.'

In the actual Agreement, however, between the Nawab and the Company Mahomed Reza Cawn was, as will appear from the following extract therefrom, entrusted with this responsibility:—

'and the remaining sum of Rupees 36,07,277-8-0 for the maintenance of such horse, sepoys, peons, bercundauzes, etc., as may be thought necessary for my suwarry and the support of my dignity only .... and having a perfect reliance on ul Miaeen Dowla (Maeen-ul Doula), I (i.e. the Nawab) desire he may have the disbursing of the above sum of Rupees 36,07,277-8-0 for the purposes beforementioned'.

[1] This treaty was executed by the President and Council of Fort William on 20th February, 1765, and by the Nawab on 25th February, 1765.—See Secret Consultations, Fort William, 20th and 28th February, 1765; also Verelst, *A View of the English Government*, etc. 1772, App. p. 166; also Aitchison, *A Collection of Treaties*, etc., Vol. I, 1909, pp. 222-25.

[2] In the relevant Secret Consultation referred to above, the word is 'adjust'. Elsewhere the word is 'assist'. The latter word is more appropriate.

[3] See Secret Consultation, Fort William, 20th February, 1765.

[4] See Article 4 of his Treaty with the Company.

the country was, as Malcolm[1] has put it, to devolve, from after the execution of the said treaty, entirely on the English, and that the Nawab was to keep no more troops than were necessary for purposes of parade. Even this was not considered enough by the Company's representatives in Bengal. In a letter dated 17th August, 1765, Mr Sykes wrote[2] to the Select Committee at Fort William from Moorshedabad, to inform it that he had proposed to the Nawab that he (i.e. the Nawab) should 'dismiss the useless Rabble' he maintained 'of Horse and Foot, and to accept in their Room of a 1,000 or 1,500 of' the sepoys of the Company so that there might be a saving to the Company of 18 lakhs of rupees to be deducted from the 36 lakhs of the Nawab's stipend that was to pass through Mahomed Reza Cawn's hands;[3] and that the Nawab had consented to the proposal from a conviction that it would tend 'to promote his own Ease, the Peace of the Country, & the Interest of the Company'. Thus the military dependence of the Nawab on the Company was completed.

We may also refer here to one or two more provisions of the treaty alluded to before. Under one[4] of its clauses, the Nawab was required to have, for advising and assisting him,

[1] See his *Life of Robert, Lord Clive*, Vol. II, p. 292.

[2] See Proceedings, Select Committee, Fort William, 7th September, 1765.

[3] See page 11, foot-note.

[4] This clause of the treaty was based on the following resolution of the Council at Fort William in its Secret Department, adopted on Thursday, 14th February, 1765 :—

'That considering the Minority of Najim-o-Dowla and his entire Ignorance in the affairs of the Government, having never been in the least engaged therein till he went up to the City, about two months ago, the whole charge shall not rest upon him, Nor upon Nundcomar, in whom he has already expressed an Inclination of reposing his entire Confidence : since the whole Trust is too great to be placed in one Man and that from former Circumstances in Nundcomars conduct We have much reason to distrust him

'It is resolved that another Person shall be appointed at the Boards (i e. the Council's) recommendation as Naib Subah, who shall have immediately under the Nabob the Chief Management of all affairs, And as no one appears so fit for this Trust as Mahomed Reza Cawn the present Naib of Dacca, that he shall be accordingly appointed thereto and shall not be removed without our acquiescence'.—See Proceedings, Council, Secret Department, Fort William, Thursday, 14th February, 1765.

an experienced person 'fixed with' him, 'with the advice of the Governor and Council, in the station of Naib Subah'. He would have, immediately under the Nawab, 'the chief management of all affairs'. The appointment of such a person was, according to the treaty, essential, in view of 'the weighty charge of government', for the Nawab himself, 'for the welfare of the Country, and for the Company's business'. Mahomed Reza Khan (Cawn), the then Naib of Dacca, who had in every respect the 'approbation' of the Nawab, so[1] said the treaty, as well as of the Governor and Council, was to be this Naib Subah; and it would not be competent for the Nawab to remove him from the office of Naib Subah without the acquiescence of the Governor and Council. Moreover, according to the treaty the business of the collection of revenues was to be divided, under the Naib Subah, into two or more branches as might appear proper. And the Nawab also consented, as he had 'the fullest dependence and confidence on the attachment of the English, and their regard' to his interest and dignity, that 'the appointment and dismission' of officers and clerks (Muttaseddees) in those branches, and 'the allotment of their several districts', were to be made subject to the approval of the Governor and Council, who would be 'at liberty to object and point out' to him when improper people were appointed, or where his officers and subjects were oppressed.[2] The Nawab agreed to pay a proper

[1] The fact, however, was otherwise. The Nawab wanted to have Nand Comar as his adviser. The Company would not permit this. So the Nawab had to agree to the appointment of Mahomed Reza Cawn as the Naib Subah. See page 12n *ante* and also pages 22-23 *post*.

[2] All this was in accordance with the following resolution of the Council in its Secret Department, adopted on 14th February, 1765:— 'That under this Naib Subah the Business of the Collections of the revenues shall be divided into two or more Branches as may appear proper and the appointment or Dismission of the Mudsidies of those Branches and the allotment of their several districts shall be with our approbation, and that we shall be at liberty to point out to the Nabob and object when improper Persons are employed under them'.— See Secret Consultation, Fort William, 14th February, 1765.

The Council also decided that if it should appear advisable to place the business of the collection of revenues in the hands of Nand Comar and Roy Dullab, their power 'as near as possible shall be equal'.—*Ibid.*

regard to such representations that his affairs might be conducted with honour, that his people everywhere might be happy, and that their grievances might be redressed. He also promised that he would allow 'no Europeans whatever to be entertained' in his service; and that if any Europeans had already been appointed in his service, they would be 'immediately dismissed'.[1] Moreover, he agreed that, although he might occasionally move to other places in the provinces of Bengal, Bihar and Orissa, 'the books of the Sircar shall be always kept, and the business conducted at Moorshedabad, and that shall, as heretofore, be the seat' of his Government.[2] The Nawab bound 'himself to the faithful performance' of these and the other articles[3] of the treaty he entered into with the Company, 'in consideration of the assistance the Governor and Council...... agreed to afford, in securing to' him the succession 'in the Subadarree of Bengal, Bahar & Orixa heretofore held by' his 'Father the late Nabob Meer Jaffier Aly Cawn'.

A question may reasonably be asked here as to the reason why Nazm-ud-Dowla, the Nawab of Bengal, agreed to submit to such restrictions on his power as we have just noticed. The simple answer to it is to be found in the position which the Company occupied in Bengal at the time he succeeded to the throne at Moorshedabad. Ever since its victory at Plassey, the Company had virtually become the Nawab-

[1] This provision was also based on a resolution adopted by the Council at its Secret Consultation, held at Fort William on 14th February, 1765.

[2] This provision was based on the following resolution of the Council at Fort William :—' Tho We do not mean to retain (*sic*) the Nabob from moving occasionally whenever he pleases ; The Books of the Sircar shall be kept and the affairs of the Government conducted at Moorshedabad, and that as heretofore shall be his seat of Government'.—See Secret Consultation, Fort William, 14th February 1765.

[3] Both Nawab Syf-ud-Dowla who succeeded Nawab Nazm-ud-Dowla and Nawab Mubarak-ud-Dowla who succeeded the former, ratified these articles in their treaties with the Company.—See the Treaty between Nawab Syf-ud-Dowla and the Company, dated 19th May, 1766, and that between Nawab Mubarak-ud-Dowla and the Company, dated 21st March, 1770, in Aitchison, *A Collection of Treaties*, etc., Vol. I, 1909, pp. 230-233.

maker in Bengal,[1] and its servants here had been carrying on, to borrow a very suggestive expression used by a contemporary writer in a different connexion,[2] a sort of 'traffic', so to say, 'in Nabobships'. It may be true that they had been primarily influenced in what they had done from time to time in regard to the office of Nawab of Bengal, by considerations of what would best promote the interests of their employers; but it is also true that many of them often acted in this matter from motives of self-interest, and fomented disturbances[3] in the politics of Bengal so that they might themselves profit from them—directly through the receipt[4] of

[1] As Professor Ramsay Muir has very rightly said: 'Mir Jafar, and every subsequent Nawab of Bengal, held his position by grace of the Company, which could (and did) depose him as it had raised him. Everybody in Bengal knew this, and looked to the Company and its leading servants as the real controlling power, though they exercised no governing functions. The Company's servants themselves knew it, and their Indian agents'. See his *Making of British India*, 1917, p. 4.

We also find Vansittart writing (*A Narrative of the Transactions in Bengal from the year 1760 to the Year 1764*, London, 1766, Vol. I, pp. 18-19), in reference to the position of Nawab Meer Jaffier after the Battle of Plassey,

'We had now a Nabob of our own making, and absolutely dependent upon us for his establishment and future security.'

[2] See Bolts, *Considerations on India Affairs*, 1772, p. 40.

[3] See Clive's letter to the Court of Directors, dated at Calcutta 30th September, 1765, para 12.

[4] The Third Report of the Select Committee of the House of Commons, dated 8th April, 1773, has given an account of such sums as had been '*proved* or *acknowledged* before the Committee to have been distributed (in the form of presents, donations or restitution money) by the Princes and other Natives of Bengal, from the year 1757 to the year 1766, both inclusive; distinguishing the principal Times of the said Distributions, and specifying the sums received by each Person respectively'. Their total amount had been £5,940,498, exclusive of the Jagheer granted to Lord Clive. Of this total amount, the sum of £1,238,575 had been distributed in the form of presents and donations after the revolution in favour of Meer Jaffier in 1757; the sum of £200,269 after the revolution in favour of Meer Cossim in 1760; the sum of £437,499 after the revolution in favour of Meer Jaffier in 1763; and the sum of £139,357 after Nazm-ud-Dowla's accession in 1765. After the revolution of 1757 Governor Drake had received a present of Rs. 2,80,000 (or £31,500), and Colonel (afterwards Lord) Clive had received Rs. 20,80,000 (or £234,000)—Rs. 2,80,000 as the second member of the Select Committee, Rs. 2,00,000 as Commander-in-Chief, and Rs. 16,00,000 as a private donation. And after the revolution of 1760, Governor Vansittart had received Rs. 5,00,000 (or £58,333) as presents. The restitution money granted after the revolution of 1757 had been £2,150.000—£1,200,000 to the Company itself, £600,000 to Europeans, £250,000 to 'Natives', and £100,000

'presents', 'donations', or 'restitution money'[1] (either for actual or pretended losses suffered by them during those disturbances), and indirectly through the acquisition of valuable commercial privileges.[2] And in this 'Nawab-making' business they would show, because of the influence

to Armenians; that after the Revolution of 1760 had been £62,500, the recipient being the Company; and that after the Revolution of 1763 had been £975,000—£375,000 to the Company and £600,000 to Europeans, natives, etc. Presents had also been received by Major Munro, General Carnac and many other members of the Company's army.

The total value of presents made and received was	£2,169,665;
and the total amount of restitution money was	£3,770,833
The total amount:	£5,940,498

This, as we have said before, was exclusive of Lord Clive's Jagheer.

It may be noted here that Nawab Nazm-ud-Dowla had alleged in his letter to Lord Clive and his Select Committee (see page 41n) that Mahomed Reza Cawn had distributed 'above twenty lacks of Rupees (in money and goods) out of my treasury' among such people as he had thought proper. And we find in the Proceedings of the meeting of the Select Committee held at Barasult (Barasat?) on 21st December, 1766, that the following persons 'unwarrantably obtained from the Nabob Nudjum ul Dowlah, from Mahomed Reza Cawn and from Juggut Seat' the sums stated against their names :—

Mr	Spencer	Rs. 1,90,000.
,,	Playdell	,, 50,000
,,	Senior	,, 1,72,500
,,	Middleton	,, 1,22,500
,,	Leycester	,, 1,22,500
,,	Burdett	,, 50,000
,,	Gray	,, 50,000
,,	J. Johnstone	,, 3,47,000
,,	G. Johnstone	,, 85,000

Also see Proceedings, Select Committee, Fort William, 1st and 8th June, 1765.

[1] See page 60n and 74n.

[2] E.g., Clauses 3 and 8 of the Company's treaty with Meer Jaffier, dated 10th July, 1763, or Clause 5 of its Treaty with Nazm-ud-Dowla (executed by the latter on 25th February, 1765).

Clause 8 referred to above said,—'The late Perwannahs issued by Cossim Ally Khan, granting to all merchants the exemption of all duties for the space of two years, shall be reversed and called in, and the duties collected as before'.

Referring to the treaty of 10th July, 1763, with Meer Jaffier, the Council wrote to the Court of Directors in a (Public) Separate General Letter, dated at Fort William 29th September, 1763 :

'The most material articles being those which ascertained to us an Unlimited Trade in the Country free of Customs in all commodities excepting salt, upon which we agreed to pay 2½ p ct. etc............'

and the prestige of the Company in Bengal from after 1757, a scant courtesy either to the position of the Mughal Emperor or to his imperial Sunnuds.[1] As Nawab Shuja-ud-Dowla of Oudh once put it, they 'turned out and established Nabobs at Pleasure, without the Consent of the Imperial Court'.[2] In 1757 they had placed Meer Jaffier (Mir Ja'far) on the *Musnud* of Bengal. Describing his position at this time in relation to the English, Vansittart[3] who became Governor of Bengal in 1760, has said: 'We had now a Nabob of our own making, and absolutely dependent upon us for his establishment and future security.' In 1760

[1] Mr Peter Amyatt, a member of the Council at Fort William, once referred to this point. In the course of his minute on the Revolution in 1760 in favour of Meer Cossim, delivered at a Consultation held at Fort William on 8th January, 1761, he said that he was of opinion that the reasons given for deposing Jaffier Aly Khan—for he could look upon it in no other light—were far from being 'sufficient to convict him of Breach of Faith; consequently in the Eyes of the world, the whole Odium of such a Proceeding must retort upon ourselves.......... *Meer Jaffier being confirmed by the Court at Delhy in the Subaship, was a very valuable Consideration, which* ought not to have been overlooked'. Conscious, however, of the strength of the position of the Company in Bengal, the Council had overlooked this consideration in 1760.

—See the First Report of the Select Committee of the House of Commons, dated 26th May, 1772.

Also see pages 25–29 and pages 35–37 *post* in this connexion.

[2] See the Translation of Nawab Shuja-ud-Dowla's letter to the Governor and Council at Fort William which the Governor (Mr Henry Vansittart) placed before the Council at its Consultation held on 26th April, 1764, and the original of which he had received from Major Carnac.

Among other things, Nawab Shuja-ud-Dowla had written in his letter:

'Former Kings of Indostan, by exempting the English Company from Duties, granting them different Settlements and Factories, and assisting them in all their Affairs, bestowed greater Kindness and Honour upon them, than either upon the Country Merchants, or any other Europeans; moreover of late his Majesty has graciously conferred on you higher Titles and Dignities than was proper, and Jagheers and other Favours since; notwithstanding these various Favours which have been shewn you, you have interfered in the King's (i.e. the Mughal Emperor's) country, possessed yourselves of Districts belonging to the Government, such as Burdwan and Chittagong, etc. and turned out and established Nabobs at Pleasure, without the Consent of the Imperial Court'.

See the Third Report of the Select Committee of the House of Commons, dated 8th April, 1773, Appendix No. 67.

[3] See Vansittart, *A Narrative of the Transactions in Bengal from the year 1760, to the year 1764*, etc., 1766, pp. 18-19.

the Company's servants had removed Meer Jaffier from the office of Nawab and set up his son-in-law Meer Cossim in his place. Meer Cossim, however, did not suit them well long, and, therefore, he was deposed in 1763 and Meer Jaffier was reinstated by them as the Nawab of Bengal.[1] And the

[1] In this connexion the Council wrote to the Court of Directors on 29th September, 1763, that it had, previously in its letters of 18th and 20th April, 1763, informed the latter ' of the Disputes which had arisen between ' the Company ' and the Nabob Cossim Aly Cawn, the animosities and Jealousies which ensued, and which began to appear in his Actions and Declarations '. ' It is with infinite Concern We are now to acquaint you ', the Council continued, ' that those Animosities have ended in an open War............as the Situation of Affairs was become too urgent to admit of any Delay the subject (namely, the plan of Government which should be set up in case of a revolution) was resumed (after 20th June, 1763) in Consultation the 4th of July, and having been again fully considered and debated the President and Mr Hastings remaining Neuter, it was the unanimous opinion of the other members that the former Nabob Meer Jaffier should be restored to the Government: *upon his entering into a new Treaty which should contain such articles as were thought necessary for the Company's Interests*, and for preventing any further Disturbances in the Country A Committee of the Board were accordingly appointed to draw up a Plan of Articles to that Effect...............At the Consultation of the 6th of July (1763) the Gentlemen of the Committee delivered in a sett of Articles for forming a Treaty upon with Meer Jaffier, and these having been amended and approved of, a Deputation from the Board was appointed to wait on Meer Jaffier and acquaint him with the Resolutions in his favour, as also of the substance of the said articles to which, *when formed into a Treaty it would be required he should accede*. After one or two meetings he agreed to resume the Government, and to sign to the articles as soon as they should be wrote out in proper form and We therefore on the 7th of July drew up a Paper which contained at the same time a Declaration of war against Cossim Aly Cawn and a proclamation of Meer Jaffier as Nazim of the three Provinces.

' This Proclamation was publickly read the 8th and the Treaty after undergoing some alterations at the request of the Nabob for the reasons mentioned in Consultation of the 9th of July, was reduced into Form and signed by the Parties on the 10th of the said month.'—See the (Public) Separate General Letter to the Court, dated at Fort William 29th September, 1763. (The italics are ours.)

It may be noted here that at the Consultation held at Fort William on 4th July, 1763, to which reference was made in the above extract, the Council had first agreed by a majority that 'another person shall be put in Possession of the Government when he has acceeded to a new Treaty to be drawn with proper Restrictions'.

It had, therefore, become necessary that 'a person should be determined on and the proper Articles settled'.

' The President (Mr Henry Vansittart) and Mr Hastings remaining neuter ', the rest of the Council had been ' unanimously of opinion that the late (*sic*) Nabob Meer Mahomed Jaffier Aly Cawn should be restored to the Nizamut '.

Proclamation which they issued in this connexion is interesting. It declared :—

'The Nabob Meer Mahomed Cossim Aly Cawn having entered upon & committed Acts of open Hostility against the English Nation & the Interests of the English United East India Company, We on their Behalf are reduced to the Necessity of declaring War against him, *And having come to a Resolution of placing the Nabob Meer Mahomed Jaffier Cawn Behadre*, again in the Government (*sic*). We now proclaim & acknowledge him as Subadar of the Provinces of Bengal, Bahar & Orissa, And further as the said Cossim Aly Cawn has likewise exercised Acts of Violence & oppression over many of the principal Merchants & Inhabitants of the Country to their entire Ruin, We do hereby require all manner of Persons under our jurisdiction & also invite all other officers & Inhabitants of the Country to repair to the standard of the Nabob Meer Mahomed Jaffier Cawn Behadre, to assist him in defeating the Designs of the said Cossim Aly Cawn and firmly establishing himself in the Subadaree.

Given in Council at Fort William the 7th Day of July 1763 under our Hands & the Seal of the said United East India Company'.[1]

The Council had also agreed 'that the three senior Members Messrs Batson, Billers and Cartier be appointed a Committee to draw up immediately a Plan of the Articles to be settled with the Nabob Jaffier Aly Cawn, and that they do lay them before the Board as soon as possible'.

Also see in connection with this question the Consultations (Home Public) of 20th June and 4th, 6th, 7th, 8th, 9th and 11th July, 1763; also Verelst, *A View of the English Government in Bengal*, Appendices XLVIII and XLIX.

[1] This Proclamation was signed by Messrs Henry Vansittart, Thos (Thomas) Adams, John Carnac, S. (Stanlake) Batson, Wm. (William) Billers, John Cartier, Warren Hastings, Randh (Randolph) Marriott, and H. (Hugh) Watts. (The italics are ours.)

The Proclamation had been drawn up by the Council at its meeting held at Fort William on Thursday, 7th July, 1763. It was actually signed by it at its meeting held at Fort William on the next day. And on the same day (i.e. 8th July, 1763) the Council 'proceeded to publish the Proclamation which was accordingly read: 1st at the Council House by the Secretary (to the Council) And Next at the Town House by the Sheriff (of Calcutta) and further proclaimed in the Country Languages after the usual Form throughout the Town'

Unfortunately, Meer Jaffier did not live long to enjoy the honour which had thus been conferred upon him for the second time. He died on 5th[1] February, 1765. And the

(of Calcutta). Thus the Proclamation was publicly read on the 8th of July, 1763.—See Consultations (Home Public), Fort William, of 7th and 8th July, 1763; also Public Separate General Letter to the Court of Directors, dated at Fort William 29th September, 1763.

It may perhaps be interesting to note here the views expressed by the President, Henry Vansittart, and Warren Hastings, in connexion with the Proclamation. The President said in a minute: 'The President sensible that it will be more for the publick service We should appear unanimous in every Measure now entered upon for prosecuting the War against Cossim Aly Cawn with the utmost vigour and supporting the Alliance with Jaffier Aly Cawn to reestablish him in the Government and particularly that it will be a satisfaction to the Nabob Jaffier Aly Cawn—consents to sign the Proclamation and all other publick Deeds which shall be made in consequence. Now recording once for all that he does not mean hereby to prejudice his former Declarations & opinions entered on the Consultations'.

Warren Hastings, too, had not approved of the measures which the Council had taken in the past in connexion with its disputes with Nawab Meer Cossim. 'But', he said on this occasion, 'since our late melancholy Advices give us reason to apprehend a dangerous and troublesome War, and from the unparalleled Acts of Barbarity & Treachery with which it has opened on the Part of the Nabob, it becomes the Duty of every British subject to unite in the support of the common cause, it is my Intention to join my Endeavours for the good of the service not only as long as the War shall last, but as long as the troubles consequent from it may endanger either the Company's Affairs or the Safety of this Colony on the same principle & to remove every Appearance of Disunion amongst Ourselves I will freely set my Hand to the Declaration published by the Board, though I still abide by the sentiments which I have all along expressed of the Measures taken in the Course of all our Disputes with the Nabob, hereby confirming all that I have declared in my former protests and Minutes which stand upon record in our Consultations.'

These minutes 'being entered the Proclamation was signed by the whole Board' (i.e., the Council).

—See Consultation (Home Public), Fort William, 8th July, 1763.

[1] This is the correct date of the death of Meer Jaffier. Curiously enough, *The Third Report of the Select Committee* (House of Commons) *on the Nature, State, and Condition of the East India Company*, dated 8th April, 1773, has stated: 'That at the Death of Myr Jaffier, which happened in the Month of January in the year 1765, etc.' This information is wrong. James Mill is also wrong when he says (*The History of British India*, 4th Edition, H. H. Wilson, 1848, Vol. III, p. 356) that Meer Jaffier died in January, 1765. Nor are Malcolm (*The Life of Robert, Lord Clive*, Vol. II, 1836, p. 291), Sir George Forrest (*The Life of Lord Clive*, Vol. II, 1918, p. 256) and Sir Denison Ross (*Calendar of Persian Correspondence*, Vol. I, 1911, p. 377, foot-note) correct when they say that the Nawab Meer Jaffier died on February 6, 1765. There are two documents—one, a letter, dated at Muxadabad (Moorshedabad) 5th February, 1765, addressed by Mr Samuel Middleton, Resident at the Durbar (see pages 21-22), to the President and

events that followed his death would perhaps best indicate the position of the Nawab in Bengal in relation to the Company. As it would not perhaps be foreign to the scope of this volume to deal with these events in some detail, we propose to do it here—although this may look like a little digression—so that we may, before we proceed further, appreciate the true position of the Company in Bengal in 1765.

First of all, we find from the Proceedings [1] of the Council at Fort William in its Secret Department, dated 4th February, 1765, that a letter had been received from the Company's Resident at the Durbar, 'dated the 29th January confirming his private advice to the President, of the Nabob's being dangerously ill: and that he has therefore given his Eldest [2] son the Nabob Najim o Dowla (Nazm-ud-Dowla) a Kelat [3] to act in his Room which is the same as declaring him his successor in case of an accident to himself'. And in a letter dated at Muxadabad (Moorshedabad) 5th February, 1765

Council at Fort William, and the other, the translation of a letter which the President, Mr John Spencer, had himself received on 7th February, 1765, from Nawab Nazm-ud-Dowla—both embodied in the Proceedings of the meeting of the Council in its Secret Department, held at Fort William on *Friday, 8th February, 1765*, which establish beyond doubt that Nawab Meer Jaffier died at Moorshedabad *on Tuesday, the 5th of February, 1765*, 'about Noon' according to Mr Middleton, and 'about quarter past one, afternoon' according to Nawab Nazm-ud-Dowla. E.g., Mr Middleton wrote from Moorshedabad on 5th February, 1765 :—'It is with much concern I am now to inform you that he (i.e. Meer Jaffier) departed Life this day about Noon'. And this 5th of February (1765) was Tuesday. See the Proceedings of the Council in its Secret Department, Fort William, Friday, 8th February, 1765.

Also see pages 22-23 *post*.

We find that Mr William Bolts has given the correct date of the death of Meer Jaffier: He has said :—'Meer Jaffier did not continue long in his new station, having died on the 5th February, 1765'.—See William Bolts, *Considerations on India Affairs*, 1772, p. 43.

We are also glad to note here that Peter Auber in his book entitled *Rise and Progress of the British Power in India*, 1837, Vol. I, p. 98, Mr Brajendra Nath Banerjee, in his article entitled *The Mother of the Company* published in *Bengal : Past and Present*, Vol. XXXII, and the author (presumably Prof. H. H. Dodwell) of Part III of *The Cambridge Shorter History of India*, 1934, edited by Prof. H. H. Dodwell, have given the correct date of the death of Meer Jaffier.

[1] See Consultation, Secret, Fort William, Monday, 4th February, 1765.

[2] Among the surviving sons. [3] See Glossary.

the Resident at the Durbar (Mr Samuel Middleton) informed the Council[1] that the Nabob had died on that day 'about Noon'.[2] 'A little time before (noon)', he further wrote in his letter, 'Maharauge Nund Comar came to me and told me the Nabob seemed near expiring But that he was sensible and very desirous of seeing me in order particularly to recommend his son Najim-o-Dowla to our favour. The Maharauge returned to the Kella and soon after send (*sic*) me word that the old Nabob was Dead, and that the Nabob Najim-o-Dowla desired me immediately to go to him to be present when he was seated upon the Musnud, I accordingly went and after seeing the Ceremony of his Inauguration performed I presented him with a Nuzur of Congratulation on his accession to the Subadarry'.

The (new) Nawab, continued the Resident, 'immediately after he was seated informed me..................that he would exert his utmost endeavours to make the country happy under his administration, that the Company had shewn a great regard to his Father and he hoped to meet with the same favour from them; that he should not be behindhand with his father in testifying his love to the English, that whatever engagements his father had entered into with the Governor and Council he would strictly adhere to, and that he hoped the Company would supply the place of a Father to him. He..................then told Maharauge Nundcomar that he had been the faithfull & beloved servant of the old

[1] See Secret Consultation, Fort William, Friday, 8th February, 1765.

[2] We also find in the first paragraph of a Secret Letter to the Court of Directors, dated at Fort William 8th February, 1765:—

'We have advised you in the Letter addressed by this ship of the ill state of the Nabob's Health and are now sorry to be obliged to add the certain Information received this morning from the Resident at the Durbar of his Demise about noon the 5th Instant.'

In the manuscript copy of the letter (as available in the Imperial Record Office, Government of India), from which this extract has been taken, the words '8th January' occur in the place where the date of a letter is usually given. On a further investigation we have found that the word 'January' is an obvious clerical error or oversight. As we have already seen in the text (see pages 21–22), Nawab Meer Jaffier was alive on 29th January, 1765, and that he died on 5th February, 1765. Also see foot-note 1, page 20, in this connexion.

Nabob & that he esteemed him for his Intigrity & Deligence (*sic*) that he confirmed him in the same station his Deceased Father had employed him in, and hoped to meet the same attachment & service from him which he had afforded to his Father'. 'Proclamation was after this made through the City with the usual Ceremonies of his accession to the Subaship', wrote the Resident in conclusion, 'Juggut Seat & all the principal People of the City who were present at the Ceremony gave their Nuzurs to the New Nabob, and proper notice & orders are sent to all the Different Provinces of this event and everything seems to be in perfect Tranquility' (*sic*).[1]

Meanwhile, on hearing from Mr Middleton, Resident at the Durbar, about 'the Nabob's Indisposition', the President had written to him two letters—one dated 31st January, 1765,

[1] The President, Mr John Spencer, laid before his Council the following translation of the letter which he had received from Nawab Nazm-ud-Dowla on 7th February, 1765:—

'Yesterday being Tuesday, the 14th of Shabaun the 6 year of the Reign the Nabob my Father being then alive wrote you a Letter which you must have received, informing you of his Illness & recommending to you myself & Brothers the Nabob Syif-ul Dowla Bahadre and the Nabob Mobareck-ul-Dowla Bahadre & Maharajah Nundcomar Bahadre & the rest of his Family, after that about quarter past one, afternoon he gave up his soul to God & recommending us Friendless to your regard left us to lament his Departure—Immediately upon the news of this Mr Middleton & Mr George Gray & Mr Stables Bahadre & Mr Droz & other Gentlemen came to me and administered comfort & by the advice & counsel of those Gentlemen and the Friends of my Deceased Father I sat on the Musnud and applied to carrying on the Business of the Government & caused this to be proclaimed throughout the City. As I consider it my duty & the chief of all objects to promote the Good of the People & prosperity of the Country, If it please God, I shall set about compleating this Work with more eagerness than ever—as the Sincerest Friendship subsisted between my deceased Father & you Gentlemen, I also now must hope even for a greater degree of your regard—*Since my father in his Life time recommended me you Sir, in every respect I have my Eyes fixed on your Friendship*—I continue firm to the agreement made by the late Nabob with you Gentlemen, & am not, or shall be in any wise neglectfull in this matter'.—See Proceedings, Council, Secret Department, Fort William, Friday, 8th February, 1765.

(The italics are ours.)

The President also informed his Council that he had received another letter from the Nawab to the same purpose, 'addressed to him and them Jointly'.—See *ibid*.

and the other 1st February, 1765. In the first [1] he had written to him:

'I have received your several Letters advising of the Dangerous way the Nabob is in, at this Juncture his Demise would throw the province into a good deal of Confusion. Therefore I earnestly hope next advices may bring a more favorable account.

'I have wrote Capt. Grant to remain with you if at Muxadabad or to return to you if on the way down to take charge of 6 Company's of Seapoys that are immediately ordered to be with you, to preserve the tranquility (*sic*) of the place & support the Government & you must encourage in case of accident the Nabob's family & his ministers to exert themselves & support them carrying on the Government that confusion may not ensue.

'Keep me constantly advised of the situation of the Nabob & affairs at the City that the necessary resolutions may be taken here to prevent trouble in the Country.

'The Officers will be dispatched as if going on to the Army but is to follow your orders, if you require it & stay with you, & you will take care that the Nabob in case he does well again take no umbrage at this step of ours which is solely calculated to preserve the tranquility (*sic*) of the City & his family from the inconveniences they would otherwise be subjected to.'

In his second letter [2] the President had written to Mr Middleton, among other things:

'As things are circumstanced I cant see We have anything to do but to support the Government in its present channel on which plan you should act for any change now even for the better would throw the Country into a flame, stop our collections & payments and perhaps give the Vizier an opportunity to overset our affairs, therefore I

[1] See the President's letter to Mr Samuel Middleton, dated at Fort William 31st January, 1765. *Vide* Secret Consultation, Fort William, 8th February, 1765.

[2] See the President's letter to Mr Samuel Middleton, dated at Fort William, 1st February, 1765. Vide *ibid*.

think there must be the greatest appearance of unanimity between us and the present family.....................

'If the Nabob actually dies we shall deleberate (*sic*) on the necessary measures as soon as possible and duly advise & instruct you & in the meantime you will pursue this plan'.[1]

As we have seen before, Nawab Meer Jaffier did actually die on 5th February, 1765, and 'his surviving eldest son', Nazm-ud-Dowla, sat on the *Musnud* at Moorshedabad as his successor, on that day. We have also seen from a letter of the Resident at the Durbar to the Council at Fort William that he had, 'after seeing the Ceremony of his (i. e. Nazm-ud-Dowla's) Inauguration performed....................... ....presented him with a Nuzur of Congratulation on his accession to the Subadarry'. Apparently, this should have been the end of all matters connected with the question of succession to Meer Jaffier in the office of Nawab of Bengal. But this was not to be the case. Nazm-ud-Dowla's accession to the office of Nawab *had, to be valid, to be formally confirmed by the Company.* We shall, therefore, see now what the Company's agents at Calcutta did on receiving the letter of the Resident at the Durbar, dated at Muxadabad 5th February, 1765, which had conveyed the news of the death of Meer Jaffier, and to which we have already alluded.

At a Secret Consultation held at Fort William on 8th February, 1765, the President informed the Council, after he had placed before it the letter of the Resident at the Durbar as well as the translation of the letter he had received from Nawab Nazm-ud-Dowla, referred to before, that, in view of the smallness of the number of its members then at the Presidency (i.e. at Fort William), he had written to Mr John

[1] The President had also written in this letter :—

'I hope Captain Grant is with you, two Companys set out from hence last night under Ensign Munson who is to follow your Orders, Four Companys under a Subaltern will join you from Burdwan & as Capt. Maclean is on his way to Mongheer you are hereby authorized to detain him if you think proper for the service, or any other officer or Detachment that may be on its way to or from Patna or the army, I am glad to see by your last you was not apprehensive of trouble, but prevention at all times is better than remedy.'—See the documents referred to in the last foot-note.

Johnstone, who was 'near at hand'[1], requesting him to 'repair with all Expedition to Calcutta to assist us in our Deliberations and the proper measures to be taken on this occasion'. The Council, therefore, agreed to defer taking any 'Final resolution till his arrival'. It also decided to inform Mr Middleton of this decision and to write to him 'to the following Effect':—

'That we are much concerned on the event...............that it is as yet our Intent to support the Family of Meer Jaffier; But as many arrangements will be necessary which are of such consequence as cannot be immediately determined on. We desire he (i.e. Mr Middleton) will in the meantime *signify our Orders*, that the officers of the late Government do carry on the Business in the usual manner, And that when We have fully determined on the Points which may occur, *a Committee of the Board will be appointed to seat the Successor on the Musnud in a proper and Publick manner that he as well as the whole country may see that he receives his Government from the Company.*[2] And that this Committee will have it further in charge to see the said several arrangements carried into Execution'.[3]

Further, the Council decided to write to the Commander-in-Chief (of the Company's Forces in Bengal) and to its subordinate Factories, informing them of what had happened; and to the Commander-in-Chief alone 'to discourage to the utmost any applications for Sunnuds[4] for the Provinces from any Quarter, as,' the Council said, 'altho' such Sunnuds could not be of Weight to support themselves without our assistance yet they might in improper hands be sufficiently so to embarass (*sic*) our affairs, and that it is Our Intention if they

[1] He was then at Burdwan. See the Secret Letter to Court, dated at Fort William 8th February, 1765.

[2] The italics are ours.

[3] The contents of this letter nicely illustrate James Mill's proposition:

'The right of choice (of the Nawab) belonged unquestionably to the Emperor; but to this right the servants of the Company never for a moment thought of paying any regard'.—See James Mill, *History of British India* (4th Edition, H. H. Wilson), Vol. III, p. 357. Also see page 27 *post*.

[4] Obviously from the Mughal Emperor.

should appear necessary to have them procured thro' our Influence alone'.[1] Thus the Council was not prepared to allow anybody else to come in between the Company and the Nawab.

The Council next considered the question of 'succession to the Subaship' of Bengal at its Consultation held at Fort William on 12th February, 1765, and it held that the succession should be continued 'in the Family of Meer Jaffier Aly Cawn'[2] and 'in the person of his surviving eldest son Najim-O-Dowlah'.[3] It then adjourned its meeting till Thursday, 14th February, 1765, 'to

[1] The Council also agreed to address by *the Vansittart* a short letter to the Court of Directors, informing it of the death of Meer Jaffier and of the events that had followed it.

Among other things, the Council wrote to the Court in this letter:

'The Nabob left three children behind him the Eldest about 16 years old we have not a very favourable oppinion (*sic*) of this young man's abilities or character, but as the Removal of the Succession out of the Family of the late Nabob might at this Critical Juncture of Affairs throw the Country into Confusion—We propose to Nominate him thereto *giving him fully to understand that he receives and must Hold the Government by the Influence and Authority of the Company*..................The young children We must observe are as unequal to any actual charge from their Minority as the other appears to be from his Incapacity And in order therefore to supply this want of a Capable person in the Family We shall take every precaution that proper officers are appointed for the management of the affairs of the Government...... ....We shall immediately enter into the maturest discussion of all the Circumstances attending this change and then form such Resolutions as may appear to us best calculated for the Company's Interest and the Good of the Country in General—And when we have so done shall appoint a Committee of the Board to proceed to the City (i.e. Moorshedabad) in order to seat the successor on the Musnud and see those Resolutions Effectually carried into Execution'.—See the Secret Letter to the Court, dated at Fort William 8th February, 1765.

The italics are ours.

[2] The Council was unanimous on this point.

[3] One member of the Council, Mr John Burdett, dissented from this latter decision.

On behalf of Nazm-ud-Dowla the Council argued as follows:—

'Tho' agreable to the Order of Succession in Europe the next Heir would be the son of Miron his Eldest son deceased, yet considering that he is very young, That the old Nabob never regarded him as his successor, that Agreable to the known usages among the Musselmen the right of the Grandson is not wronged by his nominating his second son tho not by his married wife to succeed, That Najim o Dowla had hitherto Passed as the Chutta (Junior) Nabob was introduced under that Title to the Governor & Council at Calcutta—& had been set by the Nabob while he

consider the several Arrangements, and Regulations necessary to be made in the Government for the Benefit of the Nabob, and the Company and for the Tranquility (*sic*) of the Country, and the Articles to compass (compose ?) . . . . . . the Treaty'. Accordingly, the Council met at Fort William on 14th February, 1765, adopted some resolutions for incorporation as articles in the Treaty to be entered into with Nazm-ud-Dowla, and ordered a draft of the Treaty to be prepared from them. It also resolved that Nazm-ud-Dowla

lived on the Musnud of which Mr Middleton informed the Board, and which Ceremony is considered as the formality observed in declaring the Successor That in that light he had accordingly received Nuzeranas from the Principal Officers and People of the City (i.e. Moorshedabad) as well as from our Resident at the Durbar, & that he has in consequence of his Father's Death assumed the Government & was seated on the Musnud in Presence of our Resident & received Nezeranas Publickly at this Solemnity also, That Letters advising of the Nabob's Death & his accession have already been everywhere circulated in the usual manner ("Form" according to one copy) throughout the Provinces . . . . . That upon the whole it is better they should permit & confirm Meer Jaffier's Nomination as matters are circumstanced than by any alteration in favour of Miron's son run the hazard of Fresh Convulsions & parties in the country while we are so deeply engaged in so distant a War, & considering the many inconveniences that might be expected to attend on so long a Minority'.

Mr Burdett, however, was not convinced by these arguments. He held that Miron's son should be placed on the Musnud as he was 'certainly the right Heir, whereas the other (i.e. Nazm-ud-Dowla) is known to be the son of Jaffier Aly Cawn's Concubine'*; that 'Jaffier Aly having placed him on the Musnud before his Death & our Resident (at the Durbar) having paid his Nazer on the occasion should not be deemed a sufficient Reason for our Confirmation'; and that Miron's son's minority could not be regarded as a 'Just reason for setting him aside' as it might 'be easily remedied by our appointing proper Ministers to manage the affairs of Government under our inspection till he becomes of age sufficient to take the Reins himself'.—See Consultation, Secret, Fort William, 12th February, 1765.

*(The lady in question became later on, whatever might have been her earlier position, a wife of Meer Jaffier. See in this connexion Mr B. N. Banerjee's article entitled '*The Mother of the Company*', in *Bengal: Past and Present*, Vol. XXXII, 1926.)

It may be noted here that the Select Committee which had been appointed by the Court of Directors under its order of 1st June, 1764 (see Chapter III), and which held its first meeting at Fort William on 7th May, 1765, did not approve of the decision of the Council as stated above. Referring to the death of Meer Jaffier it wrote to the Court on 30th September, 1765, that this event had

'shall be given to understand he shall make no application for Sunnuds (from the Emperor) But thro' us'.

Further, the Council decided that the President should 'immediately write to Najim-O-Dowla and Mahomed Reza Cawn', communicating its decisions to them, and that a Deputation, consisting of Messrs Johnstone, Leycester,

'furnished the most glorious opportunity of establishing' the influence and power of the Company 'on so solid a basis, as must soon have rendered the English East India Company the most potent commercial body that ever flourished at any period of time'. 'At Fort St. George', it further said, 'we received the first advices of the demise of Meer Jaffier . . . . . It was firmly imagined, that no definitive measures would be taken . . . . . . in respect to . . . . . filling the vacancy in the Nizamut, as *the Lapwing* (conveying the Court's General Letter to Bengal of 1st June, 1764) arrived in the month of January (1765) with your dispatches and the appointment of a Committee (itself), with express powers to that purpose, for the successful execution of which the happiest occasion now offered. However, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the Board, or rather transcribed, with a few unimportant additions, from that concluded with Meer Jaffier; and a deputation (see pp. 29–30 and pp. 38–39 *post*) . . . . . . was appointed to raise the natural son of the deceased Nabob to the Subahdarry, in prejudice to the claim of his grandson; and, for this measure, such reasons are assigned, as ought to have dictated a diametrically opposite resolution. Meeron's son was a minor, which circumstance alone would naturally have brought the whole administration into our hands, at a juncture when it became indispensibly (*sic*) necessary we should realize that shadow of power and influence, which having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune'.—See the Select Committee's letter to the Court, dated at Fort William 30th September, 1765

It appears to us, however, and as we are showing in this chapter, that the effect of placing Nazm-ud-Dowla on the throne of Bengal was in essence the same as would have been the case if Miron's son had been placed theron.

The Committee's reference to 'the opportunity of acquiring immense fortunes', etc., perhaps led James Mill to make the following observation in regard to the decision of the Council on the question of succession to the office of Nawab on the death of Meer Jaffier:—'Another motive had doubtless some weight: Nujum-ad-Dowla could give presents; the infant son of Meeran, whose revenues must be accounted for to the Company, could not'.—See his *History of British India*, Vol. III, 1848, p. 358.

Regard being had to what the members of the deputation, referred to by the Committee, received at Moorshedabad by way of 'presents' on the accession of Nazm-ud-Dowla to the throne, there may be some justification for the Committee's and, later on, James Mill's remarks; but there is no direct proof of the operation of this motive in the Proceedings of the Council referred to before.

Senior and Middleton, should be sent 'to get the Treaty and the other Parts of our Resolutions duely Executed'.

The President then wrote to Najm-ud-Dowla the following letter:

'Myself & the Council have received Your Letters communicating to us the demise of your father the late Nabob on which Event We sincerely condole with you. From our great regard & attachment to him & his family, We are come to a determination of nominating & supporting you in the subadarry under engagements which We shall communicate by Gentlemen of the Board, who will immediately proceed to settle these points with you & see you seated in proper Terms and dignity that the whole Provinces may know you are supported by the Company. We shall then also order you to be proclaimed here at Dacca, Patna, the Army Etc. And as it is necessary & expedient that every assistance should be given to you on the administration of this Weighty Government & that you should have about you (a) Person to be confided in, Mahomed Reza Cawn is directed by us in the enclosed Ltre to be at the City against the arrival of our Deputies there, you will forward the same to him accordingly with one from Your Self to the same purport as We imagine he will be of great use in his advice to you, We have sent him to Dacca a Copy of the Letter now inclosed to you that no time may be lost in fixing you firmly on the Musnud; & at all times look on myself & the Gentlemen of the Council as fully determined to support you in it against all that wish ill to yourself or family. We are your firm friends & would for the Present have the Business of your Government carried on by the officers now employed, & let them consider it as material and essential to secure them the Continuance of your & our Favor that the least impediment is put to the Collections of the revenues & Payments of the Kistbundee settled by your father for the army,[1]

[1] Reference here is to the sum of five lakhs of rupees which Nawab Meer Jaffier promised, on September 16th, 1764 to pay to the Company, towards meeting the expenses of its troops during the war with Shuja-ud-Dowla.—See Aitchison, *A Collection of Treaties*, etc., Vol. I, 1909, pp. 221-222.

Restitution & other Agreements[1].............................'

And to Mahomed Reza Cawn the President wrote :—

'On the demise of the late Nabob Myself & the Gentlemen of the Council have determined to support the Government in his family on the Person of Najim-o-Dowla; To place him on the Musnud with proper solemnity We are sending on the Part of the Company four Members from our Council, & we are resolved to support him therein. It is our desire that you immediately set out to meet them at the City to give your advice and opinion for the proper Settlement of the Business of the Subadaree; We have desired the Nabob to send a Purwannah for this purpose immediately to you from the City with this Letter But that there may be no delay therein I send a Duplicate on to Dacca, on receipt of either you will conform to our desire'.[2]

The Council next met on Saturday, 16th February, 1765, and, having read and approved of the draft of the Treaty 'intended to be entered into with Najim-o-Dowla', ordered it to 'be engrossed fair'. It also agreed to meet on the following Tuesday, and give 'the Necessary Instructions to the Deputies'. The President then laid before the Council the following translation of a letter which Nazm-ud-Dowla had addressed to 'himself & the Council,' and which had been received on the same day (i.e. 16th February, 1765)[3]:

'Heretofore I wrote acquainting you with the situation of affairs here but I have not been rejoiced by your answer which might be the Means of Administering Consolation to me; I am in the greatest expectation of it as of old a mutual regard, and Friendship has subsisted between my deceased Father, and you Gentlemen I entertain the strongest Hopes that now also by writing frequently the News of your Welfare

[1] See the provisions of the Company's Treaty with Meer Jaffier, dated 10th July, 1763; also Meer Jaffier's 'Note for Five Lakhs of Rupees per month for the expenses of the Army', dated 16th September, 1764.—See Aitchison, *op. cit.*, pp. 217-222.

[2] See Secret Consultation, Fort William, 14th February, 1765.

[3] See Secret Consultation, Fort William, Saturday, 16th February, 1765.

You will favour and rejoice me—From the day of my father's death, I have applied without Intermission to the management of the affairs of the Nizamut, and the settling affairs at this Place, and everything goes on well; if it please God by the Blessing on the affairs of my Father and by the Favor of you Gentlemen every Business will be properly executed even more so than formerly You will be informed of the rest by Baboo Juggut Chund whenever this must have arrived with you, You should pay a favorable attention to his representations'.

At the Secret Consultation held at Fort William on Tuesday 19th February, 1765, however, Mr Gray, a Member of the Council, who had not been present at the Secret Consultation, held on 14th February, 1765, delivered, after the fair copy of the proposed treaty with Nazm-ud-Dowla had been read, a minute in which he expressed his dissent from some of its provisions. He said that he agreed that Nawab Nazm-ud-Dowla 'should be supported in the Government'. 'This', he held, 'in my opinion is But Consistent with Justice, Honour & Gratitude on our Parts, and what we could not have opposed without a Breach of those Principles'.

'However', continuing, Mr Gray said, 'altho' it is agreed that Nazim-o-Dowla should be Nabob, yet this mark of Friendship to his family, is clogged with articles which leave him only the Name without any part of the Power. For without having consulted his opinion or his inclination it is dictated to him that Mahomed Reza Cawn a Servant of his Father at present Naib of Dacca must be the Naib Subah, and that in a manner which will throw the entire administration into his Hands. It has been also proposed that the Collection of the Revenues should be equally divided between Maharaja Nundcomar & Roydulub; & further it is resolved to reserve the Board a Negative voice in the Appointment of all the other Mutsedies & officers of the Government'.

'From these articles of the Treaty proposed to be made with the new Nabob', observed Mr Gray, 'I from my heart

dissent considering them as the greatest Manifestations (?) We can offer to a Prince our Ally and not our Slave; to one connected with us by the Ties of Friendship, and not subjected to us by Conquest'.

In regard to Mahomed Reza Cawn, Mr Gray stated that Meer Jaffier had 'had a very great dislike to him because he was difficient in his revenues, and for other reasons'. 'And the present Nabob not only hates him, but is jealous and afraid of his aspiring Temper. To impose therefore such a Person upon him is treating him with cruelty as well as Indignity, and would rather serve to drive him to dispair (*sic*) than to assist him in the Government. For Mahomed Reza Cawn will have too great an opportunity of retaliating upon the Nabob for the Injuries he will suppose he has sustained from his father. Besides Mahomed Reza Cawn is by no means of a sufficient Rank to hold a Post which commands such distinguished Mutsedies as the Royroyen [1] and the Nizamut Dwan, two officers holding precedence of every man in the Country excepting the Nabob and his own Family'.[2]

Moreover, Mr Gray pointed out that the provisions of the

[1] See Glossary.

[2] He also said in this connexion :—

'There appears to me a great impropriety in dividing the Collection of the Revenues equally betwixt Maharaja Nundcomar and Roydulub; nor can it be done without altering the Form of Government of the Country. Nundcomar is the Proper Royroyen by the King's appointment and it is his Business alone to collect the General Revenues of the Country from the different Naibs, Fougdars, Etc. Roydulub is Nizamut Dwan and his Business is to collect the Rents of the Nazim's Jagheer and to have charge of disbursements of the Subadaree, These two Departments of the Government have their distinct Offices and Registers, and are independent of one another. They cannot be changed or blended without changing the Regulations by which the Country hath been heretofore Governed, and if once we begin to make alterations in the Form of Government we may as well newmodell it entirely—The Consequence of this Innovation and that of Mahomed Reza Cawns appointment would be fatal to the Country, for the newly come into Power would immediately turn out all the old officers and People put in by the Royroyen to whom both Mahomed Reza Cawn and Roy dulub are known to bear an irreconcilable (*sic*) Enmity; and the new officers looking upon their irregular appointments as but of short Duration, will lose no Time to drain the Country and fill their own Pockets'. Also see page 13 *ante*, foot-note 2.

proposed treaty with Nazm-ud-Dowla, to which he had referred, were liable to another objection. 'To the best of my Judgement', he said, 'it does not seem the Honble Company's Intention that we should take so much Power in the Government of the Country into our own hands from the Nabob whom they always esteem as an Ally with an independent Authority that he makes over to the Company Revenues of Lands, and engages to keep out foreign Nations, and on all occasions he is considered as a Principal and not accountable to any for his Transactions; But if we encroach on his Authority, by taking such a share of the administration we shall make it appear that the Company make the Grants to themselves and that they oppose the Entrance of Foreign Nations into Bengal. The Company and not the Nabob will then be Considered as the Principal and in all disputes they will be accountable for whatever is done in the Country and as force is the argument We can produce in our favour; We tacitly acknowledge the same Right in the French, Dutch or any other Power, whenever they chuse to make use of it. . . . Had it been the Company's Intention to interfere in the Government of the Nabob's Country, they would not have failed to send Instructions and orders to that Purpose, hitherto I have seen none, and untill such orders arrive, I shall look on all encroachments on the Nabob's authority as Usurpations on our part and protest against them. Was the Nabob himself to offer them I should not give my Consent for accepting them much less can I approve of their being forced upon him'.

Lastly, Mr Gray remarked that pains seemed to have been taken 'to prejudice People's minds against the Nabob Najim-o-Dowla as perfectly void of understanding'. 'But I am myself convinced to the Contrary, and think', said he, 'he has sufficient capacity to manage his Government, He is also of sufficient age to take the Government upon him, and has as little occasion for Mahomed Reza Cawn to help him on account of his Youth as his father had for Meer Cossim on account of his age. As to the inexperience he is taxed with, he hath it in common with all Princes on their first

Entrance into a new Government and a Short time will make him acquainted with his Business'.

Thus Mr Gray pleaded on behalf of Nazm-ud-Dowla on 19th February, 1765. On the next day[1] the Council met again, and Mr Gray delivered another minute on that day. Among other things, he said in it that if a Naib or Assistant in the Nawab's Government was absolutely necessary, he should be such a person in whom the Nabob could 'have a sufficient Confidence.' The members of the Deputation would have an opportunity, on their arrival at Moorshedabad, 'of informing themselves who is a proper person for that charge, and they can advise the Board accordingly'. Further, he thought that Nand Comar and Roy Dullab ought 'to fill the same employments they had been appointed to' by Meer Jaffier, and that 'the business of the Government should go on in all respects as before' the latter's death. 'All appearances of reducing the Nabob's power, and Assuming it into our own hands', Mr Gray concluded, 'ought to be avoided, whilst we have the force in our own Hands, it need never be feared But we shall have sufficient Influence with the Nabob to prevail with him to grant us whatever favors we may have occasion to ask'.

In reply to this and to Mr Gray's former minute, the other members of the Council delivered[2] a long minute in support of the decisions it had already come to. This minute is remarkable for its frankness and straightforward character. They stated in it:

'As Meer Jaffier had been appointed and raised to the Subah by the Company's Forces, had alone been supported in it by our influence, We do not allow that any right of Succession or the Nomination could rest with him or his Family till our acquiescence and confirmation had been obtained; Much less will We admit that Najim O Dowla being illegitimate, can have any right to assume the

[1] See Secret Consultation, Fort William, Wednesday, 20th February, 1765.

[2] See *ibid.*

Government himself, which We beside esteem the Act, and contrivance alone of Nundcomar—The same force that was employed to raise the Father must be exerted to support the Son, and if that does not give us some right to a nomination *thrice already assumed*,[1] We know not what can; The Company have a right to expect that their Forces be devoted to establish a Succession and Government that shall be permanent in itself, secure and beneficial to their affairs; And that the Management may be placed in Hands We can depend on for promoting these Ends'. 'Shall we', they asked, 'who have lost so many lives in support of Privileges heretofore held by grants from Delhi . . . . Yield up our authority in Bengal and sacrifice at once all we have been contended (*sic*) for'. 'To admit the King's right of confirming, while We support a Man by force in the Nizamut is the greatest absurdity and Arguments very dangerous to support . . . . and as We alone whatever glossing be put upon it, support the present Government in the family against the Kings inclinations—having been in Arms Against the King himself in support of it, We will consider alone that we have as good a right to take as large a share as will answer our Principal Ends, Security to our Trade and possessions, as any other People who are as much usurpers as We'.

In regard to the question of the position of the Company in relation to the Mughal Emperor, they said: 'There is no doubt we have more influence to obtain the Sunuds if we choose them, than any other People whatever. We have already thrice *dictated to the King*[2] the successor we wish and seem determined once again to employ our Influence on this occasion, for if We do not, Najim-o-Dowla will not long remain Subah of these Provinces. And while We *dictate to the King*[3] a successor shall we hesitate in laying such restraint as appear salutary on a youth so totally incapable of Government'.

In regard to Nand Comar, they observed: 'Was Najim-O-

[1] The italics are ours. [2] The italics are ours.
[3] The italics are ours.

Dowla of age and capacity to hold his Authority independent of any But ourselves We would not wish to have the Nomination of any officers or to interfere where properly elected; and We are only inclined to this Measure from a firm Persuasion if We act otherwise, that the whole Government will rest on Nundcomar, The unanimous Voice of the Board (i.e. the Council) have often declared their wishes to remove Nundcomar from the Place he held, But he had somehow so riveted to himself the affections of the old Nabob (i.e. Meer Jaffier) that out of regard to him they forbore as he could not be brought to see what We were all fully convinced of, that both his Government and ours were endangered by the great Power this Man held. The Company too in one of their Letters point him out as a Man they would wish to see removed from all affairs of trust; and shall We now neglect this occasion of putting the Inclinations of our Masters in force and of acting agreably to the sense the Board have so oft expressed of this Man's Character . . . . *The Nabob must be supported by Force and in our opinion be given to understand he can have no right but what he derives from us and our Influence with the King.* We hold him incapable of Government from the Concurrent Sentiments of almost every Man who has seen and conversed with (him) *and therefore can only accede to his succession on certain assurances that Nundo Comar never shall have the Lead* as the Company's Orders and our knowledge of his Character point him as unworthy of such a Trust. The Company do not seem to wish to extend their Connections beyond the Provinces; but We believe they would think us ill Servants, if while We employ their Arms in support of a Government, We do not make such Limitations as may be necessary for the security of their Possessions and Commerce and for the Prevention of the dangerous changes which have happened in Bengal since the time of our Successes and Appointment of Meer Jaffier'.[1]

In regard to Mahomed Reza Cawn, they said that they believed that there was 'no cause of Aversion between

[1] The italics are ours.

Najim-O-Dowla and Mahomed Reza Cawn, But what a hour's Conversation would remove'.

In regard to the appointment of Aumils, they said: 'The Board do not stipulate to be consulted in the appointment of the Amils to be employed in the several Districts, but reserve to themselves the Privilege of objecting and representing to the Nabob should the Mutsedies to serve their own Ends throw them into improper Hands and in case of such Amils oppressing ...... the Country; that the Nabob shall promise to pay proper regard to such representations. With such check We think the Nabob must have much greater Justice done him in his revenues than any he can expect while left at the disposal of Nundcomar and his Creatures or any single Man whose Interest it is to cheat and keep him in utter darkness in all these points'.

Lastly, they said, 'as to our present Intent to recommend officers and divide their Powers, being an Usurpation, it cant be more so than our first Appointment and support of Meer Jaffier's Family, for which we neither waited the Company's Orders or the King's Assent—Nor is it possible that the Company as Matters have stood should have sent Orders how to act on an Emergency so little expected or on such a subject where Times and Circumstances may so materially alter their Interest in the Events. In our ready acquiescence to appoint Najim-O-Dowla We have shown sufficient Attachment and respect to the Memory of Meer Jaffier'.

Thus the majority of the members of the Council replied to Mr Gray. Thereafter the Council agreed[1] to sign the proposed Treaty with Nazm-ud-Dowla on behalf of the Company, and to issue the following Instructions 'to the Gentlemen of the Deputation':—

'To John Johnstone
Ascanias William Senior
Samuel Middleton
Ralph Leycester Esquires

Gentlemen

Having thought proper to Nominate you a Deputation

[1] See Secret Consultation, Fort William, 20th February, 1765.

from the Board to get the Treaty with the New Nabob Najim-O-Dowla, and some Consequent Arrangements and Instructions executed, We herewith enclose the Treaty in two Copies executed on our part, and when *the Nobob has acceded to the Articles on his*[1] you will deliver one Copy to remain in his Possession and return the other to us; you will afterwards see him seated in due form on the Musnud, and cause proclamation to be made of his Accession at the City,[2] and places adjacent, giving us immediate Advice thereof that we may have him also proclamed (*sic*) at Calcutta, the Army and the Subordinate Factories. . . . . .

'With respect to the Business intended to be allotted between Roy dullub and Nundcomar, We have however to define here that when you have made such a Division thereof as you think will agreably to our Instructions bring their Powers nearly upon an equality, you will advise, and explain the same to us, for our further Instructions before it is carried into Execution, and in the meantime, the Collections are to be Continued in the Hands they now are . . . . .'

And it appears from a letter[3] from the Members of the Deputation, dated at Mutajyl (Moorshedabad) 25th February 1765, that Nawab Nazm-ud-Dowla 'signed, and executed the Two Copies' of the Treaty referred to in the Instructions quoted above, on that day. Among other matters, they wrote in this letter:

'It was thought proper that a Private Audience should be desired of the Nabob Nezemal Dowlah (i.e. Nazm-ud-Dowla), that We might enter on the Business of our Commission without Delay, We accordingly waited on him this Morning in his private Apartment, delivered him the President's Letter and produced the Draught of the Treaty proposed to be now made, and ratified betwixt him and the Honble Company, all possibly (possible ?) pains and attention was taken to give him the clearest and plainest Notion of the

[1] The italics are ours. [2] I.e. Moorshedabad.

[3] The letter was addressed 'To the Honble John Spencer Esqr President and Governor and Council of Fort William'.—See Secret Consultation, Fort William, 28th February, 1765.

several articles of the Treaty and of the Sincerity of our Intentions *to support him on those conditions* faithfully and steadily after having read it over four Times and compared the several articles with those contained in the last Treaty Contracted with his Father, and maturely considered the matter He agreed to accept it in the Form it was offered, and accordingly signed, and executed the Two Copies, In the presence of the Chief Men of the Durbar '.

Also[1]—

'We found the Nabob's Mind greatly prepossessed with the suspicion of our aiming to raise Mahomed Reza Cawn to the Subaship. We soon convinced him how Idle were his fears on this Head, and how needless and absurd the Steps We are now taking to secure him in the most effectual manner, in the full and quiet Enjoyment of the Subadaree by the faith of the most solemn Treaty, If we actually had any such Design. . . . . From the assurances we have given the Nabob that Mahomed Reza Cawn shall never have our protection if he proves unfaithful to his Trust, all his scruples were removed and he seemed perfectly satisfied.' [2]

It also appears from the same letter that the 'Ceremony of Publickly Seating the Nabob on the Musnud and Exchanging

[1] See the Letter from the Deputation to the Council at Fort William, dated at Mutajyl 25th February, 1765. *Vide* Secret Consultation, Fort William, 28th February, 1765.

[2] It appears, however, from a letter which Nawab Najm-ud-Dowla had addressed to the President and Select Committee at Fort William and delivered in to the President (Lord Clive), and a translation of which the President placed before a meeting of the Committee held at Fort William on 1st June, 1765, that he had not been 'perfectly satisfied' with the appointment of Mahomed Reza Cawn as his Naib. After referring to the death of his father and to some of the incidents which had occurred before it, the Nawab wrote in his letter :

'Six days afterwards (i.e. after the date of the death of his father) Mr Middleton came and acquainted me that two of the Counsellors were coming up from Calcutta for my comfort. Th's deputation I certainly thought was coming for my benefit and wellfare.—The day Messrs Johnstone and Leycester arrived at Cossimbazar, I sent Mahrajah Nundcomar Bahadre to meet them—Mr Johnstone was somewhat displeased with the said Mahraja before, about the pergunnah tumalook (Tumlook), therefore his meeting the Gentlemen was not agreeable to Mr Johnstone—The next day the above Gentlemen Etc came to me ; I was confident that these my friends and wellwishers would have done me the compliments of condolance (*sic*), and comfort me. But

the. Treaty ' had been postponed, pending the arrival of Mahomed Reza Cawn at Moorshedabad. This decision of the Deputies was objected to by Messrs Burdett and Gray at the

they did not me the least thing of this kind; instead whereof they begun (*sic*) to incumber me with many troublesome things, and at the same time they sent out all the people which were present together with my brother Nabob Syfud Dowla—and then they told me to send for Mahomed Reza Cawn from Dacca, and set him as Naib of the Nizamut, This troubled me much; and they told me also, that till Mahomed Reza Cawn arrived from Dacca, and till he was set up as Naib of the Nizamut, I must not sit in the Dewan Connah, and that I must live in the same place where I was and put a stop to all publick Business. The abovenamed Mahomed Reza Cawn has had long ago evil intentions upon the Nizamut, My father therefore deemed him always as his Enemy—and besides, there is a large sum of money due from him to the Sircar; For these reasons, I thought proper not to acquiesce to any of the above proposals, which were made to me—I told them to peruse the paper of advice of my deceased father, and see how it directs, and which I shall readily follow; in answer to this they replied ' that your paper of advice was of no force or virtue, and every thing must be done as we think proper '.

' In this manner they have vexed me by sitting almost every day from the first of their arrival to their departure.

' They presented me a paper, and requested I would sign it, this paper was that which they brought with them, and insisted on me to comply with their request. I sent for Meer Mahomed Irrich Cawn Mahraja Nundcomar Bahadre Etc. The first acquainted the Gentlemen that whatever paper they want to be signed they would have no difficulty in it; at the same time it was proper for all of them to peruse it first—Messrs Johnstone and Leycester being much displeased at this, asked in a very angry manner, ' Who they were that wanted to peruse the paper '—after this Mounshy Sudoler-oo-dy who was near my presence told me to bring the former treaty and compare that with this, and then to sign it—at this Mr Johnstone turned out the Mounshy; and they told me that if in case I do not set up Mahomed Reza Cawn in the Naibship, and immediately sign the paper I should have no great chance of being in the possession of the Subahdarry and then I should be extremely sorry for it—When I (found) him (?) pressing me so eagerly and in an unfriendly manner I thought proper to sign the paper and deliver it to them, and they carried it away.

' After this Mahomed Reza Cawn arrived and sat as Naib; He, for the better securing his Naibship, above twenty lacks of Rupees (in money and goods) out of my treasury has distributed among such people as he thought proper, and this without my knowledge—Besides there is a Ballance due from the abovementioned Cawn of about twenty Lacks of Rs. on account of Dacca Syllat Rosshamabad, of which he does not chuse to pay a single Cowry—The abovesaid Mahomed Reza Cawn made Mr Johnstone his Protector and Mr Leycester his Vakeel and makes Raja Dullabram his fellow partner, and took from the Mounshies Mochulca papers under their hands—He keeps my seal under his own seal and there is nothing to be done with my will or order—Titles, Employments, Kelauts, Elephants, Horses, and Jewells are granted and distributed to others as he pleases. . . .

Secret Consultation held at Fort William on 28th February, 1765.[1] The President (Mr John Spencer) and Mr Playdell, however, approved of the decision of the Deputies. And the Council, therefore, agreed to write[2] to the Deputies in reply that it confirmed the steps they had taken 'to Effect the Nabob's agreement to the Terms proposed to him . . . '.[3] It appears from a letter, dated at Muta Jyl (Mati Jhil) 3rd March,

'When I intended going down to Calcutta, I was much distressed for paying my servants' wages and other current expences.

'Mr Johnstone's bad treatment to me after my father's death, and Mahomed Reza Cawn's station, are to me as if I was day and night in a flame. . . . . Now I beg your Lordship etc. as my protectors and sincere friends to put my affairs which were ruined by these people on a proper footing, as it was in my father's time—In doing this I shall think myself happy '.

N.B.—The following lines were written 'in the Nabob's own hand':

'Gentlemen,

I have wrote my sentiments in the above lines as brief as possible, and beg you will hear my petition '.

After having 'maturely weighed and considered' the 'facts advanced in this letter and other circumstances which have this day appeared before' it, the Select Committee were unanimously of opinion that Mahomed Reza Cawn had 'distributed among certain persons near twenty Lacks of rupees'.

—See the Proceedings of the Select Committee, Fort William, of 1st June, 1765.

[1] See Secret Consultation, Fort William, Thursday, 28th February, 1765.

[2] See *ibid*.

[3] The extracts given below from letters from Fort William, written at different times in connexion with the question of succession of Nawab Syf-ud-Dowla and Nawab Mubarak-ud-Dowla to the *Musnud* of Bengal, further illustrate the position of the Company as the Nawab-maker in Bengal.

Nawab Nazm-ud-Dowla died on 8th May, 1766, and the Council at Fort William wrote to the Court of Directors on 6th September, 1766 :—

'It is with the greatest concern we have to acquaint you with the Death of the Nabob Nayym al Dowlah who Departed this life on the 8th May last after a short illness. His next Brother Syfal Dowlah was immediately proclaimed his successor and has since recd the Royal Sunnuds.'—See the General Letter to the Court, dated at Fort William 6th September, 1766.

And the Select Committee wrote to the Court on 8th September, 1766 :—

'We are sorry to acquaint you that on the 8th day of May his Excellency the Nabob Nadjum ul Dowla breathed his last after a short illness incurred by some intemperance in Eating and increased by a gross habit of body and unsound Constitution—as he was a prince of mean capacity bred up in total ignorance of public affairs—this event which formerly might have produced important consequences in the Provinces can at present have no other effect than that of exhibiting to the eyes of a people a mere change of persons in the Nizamut—

1765, which the Deputation had written to the Council, that the Nawab had been actually 'seated' on the Musnud on the morning of 3rd March, 1765. The letter which is very interesting in more ways than one (*vide* Appendix 3), having been placed before the Council at a Secret Consultation held at Fort William on Wednesday, 6th March, 1765, the Council 'agreed in Consequence that Najim O Dowla be proclaimed here tomorrow (i.e. 7th March, 1765) morning in proper Form and that Copies of the Proclamation be sent to the Commander in Chief of the Army and the several subordinates

Nudjum ul Dowla dying without issue, his brother Syeful Dowla succeeded to his dignities, and promises from the mildness and pliancy of his disposition to answer all the purposes of a Nabob to the people and to the Company—At present he is a youth not exceeding the age of sixteen, which more immediately and naturally brings the administration into the hands of persons in whom we can repose confidence'.—See the Select Committee's letter to the Court, dated at Fort William 8th September, 1766.

Nawab Syf-ud-Dowla suddenly died of small-pox on 10th March, 1770. And the Select Committee at Fort William wrote to the Court on 18th March, 1770: 'The sudden demise of the Nabob Syfe-ul-Dowlah which happened a few days ago is an Event We deem our Duty to communicate by the earliest conveyance . . . . Mobarek-ul-Dowla his younger Brother who is about ten years of age being *the next in the line of succession has by the President and Council been recognised* and Orders are transmitted to the Resident at the Durbar to assist the Ministers in seating him with usual Formalities on the Musnad, which is a measure which we hope will prove the most consistent with your Interest'.—See the General Letter to the Court, dated at Fort William 18th March, 1770. The letter was signed by Messrs (John) Cartier, (Claud) Russell and (Charles) Floyer. (The italics are ours.)

And the Council wrote to the Court on 25th August, 1770:—

'The Nabob Syful Dowla was after a few days Illness carried off by the malignant small pox on the 10th March last about three o'clock in the afternoon. The Resident at the Durbar immediately informed us of it and We ordered Minute Guns to be fired and every other Ceremony to be solemnized usual on such Occasions. As the right of succession had been established by you in the present Line of the Family We sent immediate Directions for setting the late Nabob's brother Mahbaureck ul Dowla on the Musnud. We proclaimed him in Calcutta and We directed Messrs Becher and Aldersey to attend the ceremony at the City, and to assure to his Excellency of our support and attachment. The allowances received by his brother were according to your Orders of the 16th March 1768 continued to the new Nabob. We likewise drew out a new Treaty to the same Purport as that entered into by the late Nabob and after it was executed We delivered One Copy to his Excellency, another was put into the Hands of the Ministers, a third is deposited amongst our Archives and the fourth We send you in this Packet'.—See the General Letter to the Court, dated at Fort William 25th August, 1770, paras 61-65.

that the same may be done with them.' The Proclamation to be issued was as follows:

'The Nabob Meer Mahomed Jaffier Cawn Bahadre having demised and the Nabob Najim-O-Dowla his Eldest Son having been Declared and appointed Successor to the Subadarry of the Provinces of Bengal, Bahar and Orixa, We the President and Council of Fort William on behalf of the Honble United Company of Merchants of England Trading to the East Indies Do now proclaim and acknowledge the Nabob Najim-O-Dowla Bahadre Subadar of the Provinces of Bengal Bahar and Orixa, and declare that We will assist and support him to the utmost of our Power in his Government.

Given under our Hands and the seal of the said United Company at Fort William—Signed the 7th March 1765—

John Spencer
Chars. Staffd Playdell
John Burdett
George Gray.'

The President of the Council (Mr John Spencer) also informed the Council that he had received 'a Letter from the Nabob addressed to himself and the other Members advising of his having been seated on the Musnud with Occasional Compliments thereon'. Thereupon the Council resolved that the President should write to 'him in answer in the name of the Board (i.e. the Council) congratulating him on his accession and repeating our assurances of attachment and resolution to support him faithfully and steadily, agreeably to the Conditions of the Treaty.'[1]

It may be mentioned in this connexion that the arrangements made by the Company in February, 1765, for the administration of the affairs of Government on the accession of Nazm-ud-Dowla to the Subaship of Bengal, was materially altered by it in June, 1765. This appears from the Proceedings of the meeting of the Select Committee held at Fort William on 21st June, 1765. The Committee, we find therein, having taken into consideration 'the Youth, inexperience and incapacity of the Nabob, the necessity of placing the

[1] See Secret Consultation, Fort William, Wednesday, 6th March, 1765.

administration in the hands of men capable to support the weight of Government and attached to the Company's Interest and likewise the great danger that may arise to the stability of the present establishment from suffering the whole power and absolute management of the three Provinces to rest in a single person ',[1] resolved that Mahomed Reza Cawn should be 'advised to relinquish the Title of Naib Subah and also par of the unbounded authority wherewith ' he had been 'vested by the late Treaty[2] as a measure not only agreable to the Nabob but necessary to the safety of the present Government and the future tranquility (*sic*) of the Country'. In justification of this resolution the Committee said that it thought it necessary to observe that, notwithstanding that Mahomed Reza Cawn had been 'accused by the Nabob of dissipating his Treasure, and withholding his Revenues, yet so openly and candidly has he accounted to the Select Committee for every Rupees (*sic*) disbursed from the Treasury, They cannot without Injury to his Character and Injustice to his Conduct during his short administration refuse continuing him in a share of the Government, altho they judge it necessary *to retrench his authority and ballance his power in order to produce that perfect Equilibrium of influence*[3] which alone can remove the Nabob's Jealousies and give permanency to the measures We are taking to prevent the necessity of future Revolutions'.

The Committee further resolved, 'taking likewise into consideration the Character and abilities of the several great personages about the Nabob's Court and Person, their influence in the Country and their attachment to the English', that Roy Dullab and Juggut Seet[4] should be associated 'in the administration of the Government with Mahomed Reza

[1] Mahomed Reza Cawn.
[2] I.e., the treaty with Nazm-ud-Dowla.
[3] The italics are ours.
[4] In order that the Court of Directors might be satisfied with the reasons which had induced the Committee to choose these two persons, the Committee begged leave to remind the Court that Roy Dullab had been 'a principal Agent in effecting the Revolution in 1757 in favour of Meir Jaffier since which time' he had continued firmly attached to the English, and 'that Juggut Seet is son and Nephew of the two great men plundered of their Effects and cruelly

Partition of administration.

Cawn, as persons' whose character afforded to the Company 'the fairest prospect of giving stability to the present Government', and that each should enjoy 'an equal share of Power and authority'.[1]

Moreover, the Select Committee framed the following 'Regulations[2] for the provinces of Bengal, Bahar and Orissa':—

'The appointing and displacing of the Fousdars, Aumils

put to Death by that Tyrant Cossim Aly Cawn on account of their faithful services to the Company'.—See the Proceedings of the Select Committee, Fort William, 21st June, 1765.

It may be noted here that Juggut Seet (Jagat Seth) 'was a title and not a name'. This title was borne by the 'senior partner' of the great banking house at Moorshedabad, generally referred to as 'the banking house of Jagat Seth'. The title had first been conferred by the Mughal Emperor upon Fateh Chand, the adopted son of Manik Chand who 'is regarded as the founder of the Seth family' in Bengal. The 'junior partner' of the house enjoyed the title of Maharaja. The actual designation of the banking house was different at different times. This difference was due to the difference in the names of the two heads (or partners) of the house. Thus the name of the firm which had originally been established in Bengal by Manik Chand, a son of one Hiranand Saho, had once been 'Jagat Seth Fateh Chand and Seth Anand Chand'. Later on, it had become 'Jagat Seth Mahtab Rai and Maharaja Swarup Chand'. And still later, it became 'Jagat Seth Khushal Chand and Maharaja Udwat Chund (Udwant Chand)'.

In this foot-note 'Juggut Seet' means Jagat Seth Khushal Chand. He was the third Jagat Seth. Fateh Chand had been the first and Mahtab Rai the second Jagat Seth. Jagat Seth Mahtab Rai and Maharaja Swarup Chand had been put to death by the order of Meer Cossim. After their death, Khushal Chand, the eldest son of Jagat Seth Mahtab Rai, 'became the third Jagat Seth', and his cousin Udwat Chund (Udwant Chand), the eldest son of Maharaja Swarup Chand, 'inherited his father's title of Maharaja'; and their firm was renamed accordingly as 'Jagat Seth Khushal Chand and Maharaja Udwat Chund'.—For further details see Hunter, *Statistical Account of Bengal*, Vol. IX, pp. 252–65; also Long, *Selections from Unpublished Records of Government for the years 1748 to 1767*, Vol. I, 1869, pp. 578–79; also Little, *The House of Jagatseth*, in *Bengal: Past and Present, Vols. XX and XXII*; also Nahar, *The Genealogy of the Jagat Seths of Murshidabad*, in *Indian Historical Records Commission, Proceedings of Meetings, Vol. 5*; also see Sinha, *Economic Annals of Bengal*, 1927, pp. 14–16.

Also see foot-note 2 on page 47 in this connexion.

[1] See the Proceedings of the Select Committee, Fort William, 21st June, 1765.

[2] The following names precede the Regulations:—

'The Nabob Nudjum ul Doula Meir Nudjum-ul-deen Aly Cawn Bahadre Nazim. The Nabob Maeen-ul-Doula Syed Mahomed Reza Cawn Bahadre Naib; Mharaja Doolubram Bahadre Dewan Juggut-seet Coushaulchund and Mharaja Oodweichund Chiefs of Trade'. —See Proceedings, Select Committee, Fort William, 21st June, 1765.

and other officers of the Nizamut and the Regulation of the whole Business of the Revenues, and the Country under his Excellency shall be managed by the Nabob Maeen ul Doula Bahadre (i.e. Mahomed Reza Cawn), Maraja Doolubrum Bré and the Seets[1] and his Excellency (i.e. the Nawab) shall consent thereto—

'If any one be oppressed, his Effects seized or his Life endangered, the aforesaid Gentlemen shall use their endeavours to put a stop to such proceedings, and if they suspect that it is not in their power to put a stop to them, they shall advise the Governor thereof with all speed that he may inform the Gentlemen of the Council or Committee of such proceedings and put a stop to them.

'After the necessary expences for the Government have been provided for, if there be any surplus, it shall be deposited in the publick Treasury under the Care of the aforesaid Gentlemen; and there shall be three different Locks to the Door of the Treasury and three Keys one to remain in the possession of each of the aforesaid Gentlemen that neither of them may be able to take out any money without the consent of the others—

'Of these three Gentlemen Maeen ul Doula Bahadre, Mharaja Doolubram, and the Seets[2], if any one act contrary

[1] See foot-note 4 on page 45 and also foot-note 2 below.

[2] There is some apparent difficulty in regard to this word: If more than one person were intended by it as its plural suffix 's' seems to imply, then the word 'three' after the words 'of these' at the beginning of the paragraph in which it occurs, would be incorrect. That the Select Committee had in its mind only three persons and not more, is also clear from the preceding paragraph in the Regulations for the Provinces of Bengal, Bihar and Orissa. These Regulations were intended (see foot-note 2 on page 46) for Nawab Nazm-ud-Dowla, Mahomed Reza Cawn, Roy Dullab, and 'Juggutseet Coushaulchund and Mharaja Oodweichund Chiefs of Trade', and the word 'Seets' obviously refers to 'Juggutseet Coushaulchund and Mharaja Oodweichund Chiefs of Trade'. Now Juggutseet Coushaul Chund (Jagat Seth Khushal Chand) and Mharaja Oodweichund (Maharaja Udwant Chand) were cousins and if both of them were meant by the Regulations, then there would be four persons and not three, and that would be contradictory. But they were also, as we have seen before (foot-note 4, page 45), the senior and the junior partner of the celebrated banking house at Moorshedabad of the name of 'Jagat Seth Khushal Chand and Maharaja Udwat Chund' (Juggut Seet Coushaulchund and Mharaja Oodwiechund), and the senior partner of

to the opinion of the other two, those two shall give advice to the Governor, that he may lay the matter before the Gentlemen of the Council or Committee and take proper measures on the Occasion—

'Such number of Horse and foot shall be kept up as the aforesaid Gentlemen shall judge necessary for the Business of the collections, and all needless and improper expences shall be reduced—

'Let them remove from the Durbar all mischievous men, deceiptfull and Evil Counsellors, and not put it in their power to make any disturbance.

'Let not the aforesaid Gentlemen go to the Durbar without each other's knowledge, nor attempt anything to each others prejudice.

'For the preservation of Friendship and harmony and the care of the Nabob's affairs and the Company's money, a Gentleman of Council, of probity and abilities shall be appointed to reside at the Capital on the part of the Company: A monthly allowance shall be made him by the Government proportionable to his Rank, and the accounts of the Receipts and expences for the Business of the Government Etc. shall be laid before him monthly for his perusal'.

Referring to all these arrangements made by it on 21st June, 1765, for the administration of the affairs of the Nawab's Government, the Select Committee wrote to the Court of Directors on 30th September, 1765 [1] that it had 'found

this house used to bear the title of Juggut Seet (Jagat Seth). The Select Committee must have really intended that the latter (i.e. the senior partner), together with Roy Dullab, should be associated with Mahomed Reza Cawn in the administration of the affairs of the Nawab's Government. That a single individual—the senior partner or representative of the banking house of Jagat Seth—was intended by the term 'Seets' here, is also supported by the following extract from the Proceedings of the meeting of the Select Committee held at Fort William on 21st June, 1765, as already quoted (page 45, foot-note 4) : 'That Juggut Seet *is son* and *Nephew* of the two great men, etc....... ' (The singular verb and the singular nouns may be noted.)

Also see foot-note 4 on page 45, together with the authorities referred to therein.

[1] See the Select Committee's letter to the Court of Directors, dated at Fort William 30th September, 1765.

the Nawab highly dissatisfied with those plenary powers vested in Mahomed Reza Cawn, who by virtue of the treaty acted in quality of prime minister, and enjoyed uncontrouled authority'. 'This unlimited sway, lodged in the hands of a single person', the Committee continued, 'appeared dangerous to the present establishment, which we thought it becoming the Company's honour to maintain, as having been solemnly ratified by the Governor and Council. To amend the very obvious defects in the treaty, without reversing the principles on which it was founded, was consistent with equity, whilst it met with the Nabob's own approbation; and the most effectual means of doing this seemed to us *to consist in an equal partition of ministerial influence.* As Mahomed Reza Cawn's short administration was irreproachable, we determined to continue him in a share of the authority, at the same time that we associated with him men of weight and character; so that each became a check upon the conduct of the others. Accordingly we fixed on Juggutseat and Roydullub, for the reasons assigned in the Proceedings; and we now have the pleasure to acquaint you, that *the business of Government goes on with unanimity, vigour, and dispatch*'.[1]

We have given above a faithful account of the events that followed the death of Nawab Meer Jaffier (Mir Jafar), so far as the question of succession to him and the arrangements for the administration of the Nawab's affairs were concerned. It clearly establishes the fact that the Nawab of Bengal not only owed his office at this time to the Company, but also depended for his continuance therein upon its mercy and goodwill, or rather upon the mercy and goodwill of its agents in Bengal. It is not at all surprizing, therefore, regard being had to this fact, that Nawab Nazm-ud-Dowla had submitted to the restrictions which the Company had thought fit to impose on the exercise of his powers, and to which we have previously referred.

[1] The italics are ours.

Further significance of the Diwani.

We may also point out here that, as a result of the Royal Grant of the Diwani, its Treaty with the Nawab and its Agreement with him to which we have alluded before,[1] the Company became, to quote the words of the Select Committee at Fort William, 'both the Collectors and Proprietors'[2] of the revenues derived from the Diwani lands, and virtually 'the sovereigns of a rich and potent kingdom'[3]. Further, we find in a letter to Mr Francis Sykes, Resident at the Durbar, dated at Fort William 12th January, 1768, the Select Committee writing to him that it concurred with him in the opinion that the Company as Diwan had 'an undoubted right' to exert its 'authority in all matters relating to the' collection of revenues. And so far as the other foreign Companies in Bengal, Bihar and Orissa were concerned, the Council resolved at a Secret Consultation held at Fort William on 8th April, 1773, that they were not exempted from the jurisdiction of the English East India Company as Diwan as far as that jurisdiction extended.[4]

Administrative arrangements consequent on the Diwani.

The functions of the office of Diwan were, since the Company had come into possession of it, exercised[5] by its Resident at the Durbar[6] who acted as the 'Collector of the King's Revenue under the Inspection and control of the Select Committee' at Fort William. In conjunction with

[1] See page 6 *ante*.

[2] See Proceedings, Select Committee, Fort William, 5th October, 1765; also see the Supplement, dated at Fort William 1st October, 1765, to the Select Committee's letter to the Court of Directors, dated at Fort William 30th September, 1765.

[3] See the Select Committee's letter to the Court of Directors, dated at Fort William 30th September, 1765, para 29.

[4] Although, the Council continued, by the 24th paragraph of its General Letter to the President and Council at Fort William, dated 28th August, 1771, the Court of Directors had directed that all political affairs between the Company and the subjects of any other European power in all cases in which they might thwart the interest or encroach upon the authority of the Company, should be 'transacted by an ostensible Minister' at the Nawab's Court.

[5] See the Select Committee's letter to the Court of Directors, dated at Fort William 24th January, 1767, para 5.

[6] I.e. the Nawab's Court at Moorshedabad.

Mahomed Reza Cawn, the Resident, said[1] the Select Committee, 'superintends the whole collections receives the monthly payments from the Zemindars disburses the stated Revenues appropriated to the King and the Nabob inquires into the causes of deficiencies; redresses Injuries sustained or committed by the officers of the Revenue and transmits the accounts of his office, the invoices of Treasure, and a monthly account of the Treasury with every other occurrence of Importance to the President and Select Committee'.[2] In view of these duties entrusted to him, the Resident at the

[1] See the Select Committee's letter to the Court of Directors, dated at Fort William, 24th January, 1767, para 5.

Also :—

'When first we received from His Majesty the grant of the Dewanny and entered upon the Collection of the Royal Revenue, we committed this important charge to the management of Muhamed Reza Cawn, under the immediate inspection of the Resident at the Durbar'. —*Ibid.*, para 13.

Thus Mahomed Reza Cawn was the Naib Diwan for the Company. On the eve of his departure, Clive paid him the following compliments :

'Justice to M. R. Cawn, the Naib Dewan, calls upon me to recommend him in the strongest Terms, to the protection of this Committee. His Diligence, Disinterestness (*sic*) and abilities exceed those of any other Musalman I have yet seen. To Him chiefly may be attributed the perfect knowledge we have acquired of the Revenues of Bengal and Bahar and that the Collections are encreased beyond what they ever before produced without oppressing the Inhabitants. Mr Sykes, with whom he has co-operated with so much zeal for the public Good, will I am sure justify my Recommendation and confess that his merit and services entitle him fully to your Regard'.—See Clive's letter to the Select Committee entered in the Proceedings of the meeting of the Committee held at Fort William, on 16th January, 1767.

[2] For instance, when Mr Richard Becher was appointed Resident at the Durbar in place of Mr Francis Sykes who had been 'reduced to the necessity of requesting permission from the President and Council to proceed to Europe' on account of the declining state of his health, the Select Committee at Fort William wrote to him the following letter :—

'To Richard Becher, Esq.,
Resident at the Durbar

Sir,

The President and Council having nominated you to the station of Resident at the Durbar You will be pleased to proceed to the City (i.e. Moorshedabad) with all convenient expedition—

You are to *correspond with the Select Committee on the subject of the Collections committed to your charge, as well as of all other matters relative to the Country Govt.*

Durbar was also designated 'Collector of the Dewanny';[1] and he was required to transmit to the Select 'Committee all accounts relative to the Revenues'. This 'arrangement[2] of public Business' was also in accordance with the desire of the Court of Directors. With reference to the question of the Diwani and in reply to their letter of 30th September, 1765, the Court wrote to the President and Select Committee[3] at Fort William on 17th May, 1766, that it must now turn its 'Attention to render' the acquisitions of the Company as permanent as human wisdom could make them. This permanency, it apprehended, could be found only 'in the Simplicity of the Execution'. 'We observe', it continued, 'the Account you give of the Office and Power of the King's Dewan in former Times, was the collecting of all the Revenues, and after defraying the Expences of the Army, and allowing a sufficient Fund for the Support of the Nizamut,

As the several orders transmitted to your predecessor will be delivered over to you for your guidance we have only at present to add our best wishes for your success.

Fort William
4th Jany 1769.
We are, etc.,'

See Proceedings, Select Committee, Fort William, 4th January, 1769. The italics are ours.

[1] See Proceedings, Select Committee, Fort William, 11th February, 1767.

[2] We may note in this connexion what Mr John Reed, a member of the Controlling Council of Revenue at Moorshedabad, once said :

'In the Government of Lord Clive', wrote Mr Reed in his letter to the Chief and Council of Revenue at Moorshedabad, dated at Moorshedabad 17th December, 1770, 'it was judged expedient to divide the Business of the Dewanny into three hands as I have said before, the different offices of each were I understand as follows :—

Mahomed Reza Cawn had the collection of the Revenues, Doolubram the Superintendance and adjustment of Dewanny accounts, and the Receipts passed thro' the hands of Juggut Seat, thus they were a check on each other, by the death of Doolubram in June last and Juggut Seat for sometime past having no share in the management of affairs the whole has devolved on Mahomed Reza Cawn'.

Thus Mahomed Reza Cawn was 'at the same time Naib Subah (in fact, if not in name, see page 45) and Naib Duan'.—See Proceedings, Secret Consultation, Fort William, 17th January, 1771; also Moorshedabad Consultation, 20th December, 1770. Also see in this connexion the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72, Chapter IV.

[3] And not to the Council at Calcutta as Miss Monckton Jones has stated on page 62 of her *Warren Hastings in Bengal* (Oxford University Press, 1918).

to remit the Remainder to Delhi. This Description of it is not the office we wish to execute; the Experience we have already had in the Province of Burdwan[1], convinces us how unfit an Englishman is to conduct the Collection of the Revenues, and follow the subtle Native through all his Arts to conceal the real value of his Country, to perplex and elude the Payments. We, therefore, entirely approve of your preserving the ancient Form of Government in the upholding the Dignity of the Souba'. 'We conceive', said the Court further, 'the office of Dewan should be exercised only in superintending the Collection and Disposal of the Revenues; which office, though vested in the Company, should officially be executed by our Resident at the Durbar, under the controul of the Governor and Select Committee; the ordinary Bounds of which Controul should extend to nothing beyond the superintending the Collection of the Revenues, and the receiving the Money from the Nabob's Treasury to that of the Dewannah (Diwani) or the Company. And this we conceive to be neither difficult nor complicated; for at the annual Poonah the Government settles with each Zemindar his Monthly Payments for the ensuing year; so the Monthly Payments of the whole, from the Nabob's Dewan, is but the Total of the Monthly Payment of each Zemindar; which must be strictly kept up, and if deficient, the Company must trace what particular Province, Rajah, or Zemindar, has fallen short in his Monthly Payments; or, if it is necessary to extend the Power further, let the annual Poonah, by which we mean the Time when every Landholder makes his Agreement for the ensuing Year, be made with the consent of the Dewan or Company. This we conceive to be the whole Office of the Dewanny. The Administration of Justice[2], the

[1] Later on the procedure followed by the Company at Burdwan, for the collection of revenues became a model for other districts.—See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pages 41 and 50n.

[2] The Diwani involved, as the Company's agents admitted later on,
(1) the collection of revenues, and
(2) the administration of justice in civil cases.
—See the Proceedings of the Committee of Circuit, Cossimbazar, of 20th August, 1772; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 189-90.

appointment to offices or Zemindarries, in short, whatever comes under the Denomination of Civil Administration, we understand is to remain in the Hands of the Nabob or his Ministers'.

Resident at the Durbar

In regard to the Resident at the Durbar, the Court observed[1] that, being constantly on the spot, he could not long be 'a Stranger to any Abuses in the Government', and that he was always 'armed with Power to remedy them'. It would be 'his duty to stand between the Administration and the Encroachments always to be apprehended from the Agents of the Company's Servants, which must first be known to him'. He was to check all such encroachments, and to prevent the oppression of the people of this country. It then referred to its 'Sentiments on the Office of Resident' as expressed by it in its letter of 24th December, 1765[2], and said that those 'Sentiments' it had held in regard to this office as it had then stood. But now that it had become, presumably in view of the Royal grant of the Diwani,[3] 'of so much more Importance', it should, the Court felt[4], 'leave the *regularity* of it' to the Select Committee; and it desired

[1] See the Court's letter to the President and Select Committee at Fort William, dated 17th May, 1766.

[2] Obviously, reference here is to paragraph 64 of the Court's General Letter to the President and Council at Fort William, dated 24th December, 1765. The Court had stated therein :—

'Whenever you think it really necessary to have a Resident at the Durbar, we direct you to choose him, not by seniority in the service, but by an established Character for Integrity, Abilities and a knowledge of the Country Language. We understand he is to be the sole agent for transacting all Business at the Durbar, and direct the Copy of his Correspondence with the Nabob or his officers, with the Presidency and Chiefs of the Subordinates, officers of the Army or Civil Servants on public affairs be transmitted to us annually in Duplicate. We think his Allowance extremely high as also that of his assistants, which you are therefore to reconsider; and as we leave the nomination of this officer to you, it behoves you to have a constant Eye to his Behaviour, as we shall deem you in a particular manner responsible to us for his conduct'.

[3] As Mr Verelst (President and Governor) once said, 'the whole amount of the Dewanny revenues' was now 'under his (i.e. the Resident's) immediate Inspection'.—See Home Dept. (Fort William), O.C. No. 9, dated 28th December, 1768; also page 57 *post* foot-note 3.

[4] See the Court's letter to the President and Select Committee at Fort William, dated 17th May, 1766, para 15.

the Committee to 'be very explicit on the Subject'. It directed[1], however, that all the correspondence of the Resident with the Committee should be carried on 'through the Channel of the President'; that he must 'keep a Diary[2] of all his Transactions'; that his 'Correspondence with the Natives must be publicly conducted'; and that copies of all his letters sent and received, should 'be transmitted Monthly to the Presidency, with Duplicates and Triplicates, to be transmitted Home in our General Packet by every ship'[3].

The collection of revenues in the province of Bihar was placed 'under the immediate direction of the Chief[4] at Patna'. He acted jointly, first, with Raja Deerijnarayan[5] for a year and a half, and then with Raja Shitab Roy, and

[1] See the letter referred to in foot-note 4, page 54.

[2] In regard to this, the Select Committee wrote to the Court in its reply, dated at Fort William 24th January, 1767 :—

'The diary you recommend would certainly conduce much to the regularity and method of office, but as we are afraid of distracting his attention by presenting too great a variety of different objects to the mind we must at present leave the particular mode of carrying on business to the Resident's own discretion'.—See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767.

[3] The reply of the Select Committee at Fort William was :

'His (i.e. the Resident's) correspondence however with the natives, and copies of all letters he may send or receive in his public station, we shall direct him to forward to us, with duplicates and Triplicates to be transmitted (home) in our General Packet'.—See *ibid.*

Thus the Court would be kept informed of the activities of the Resident at the Durbar.

[4] I. e. the Company's Chief Representative there.

[5] This fact is not generally known. We have discovered it in a minute which Warren Hastings (President and Governor) delivered before a meeting of his Council in its Secret Department, held at Fort William on 19th November, 1772. He stated in the course of this minute :

'I learn that when the Company first became possessed of the Dewaunee Raja Deerijnarain was constituted Naib Dewan of the province of Bahar, and held that post for a year and a half that is during the year 1172 and half of 1173—that he was then dismissed for supposed neglect or mismanagement in suffering a Ballance to accumulate in the rents of 6¾ Laacks of Rupees . . . . . .

'On the dismission of Rajah Deerijnarain Raja Shitabroy was appointed to the charge of his office of Naib Dewan and had the management of the collections till the End of the Year 1177 when it devolved to the care of the Board (Council) of Revenue which was then formed'.—See Consultation, Secret Department, Fort William, 19th November, 1772.

was subordinate to the Resident at the Durbar, to whom he used to make 'consignments of Treasure', and to transmit monthly accounts of his office. The Resident was required to send those accounts to the Select Committee at Fort William.[1]

Before we proceed further we may say a word or two more here[2] in regard to the office of Resident at the Durbar. This office was one[3] of the most important and onerous ones in the service of the Company in the early days of British Rule in Bengal. Both the Treaty of 10th July, 1763, with Meer Jaffier and the Treaty which Nawab Nazm-ud-Dowla executed on 25th February, 1765, provided for the appointment of 'an English gentleman' to reside with the Nawab, wherever the latter might be, for the transaction of all affairs between the Nawab and the Company. Even before 1763 a Resident would be appointed in the Nawab's Court. Thus Warren Hastings was once appointed Resident at the Durbar 'in the room of Mr Scrafton' in 1758[4]; and referring to the arduous and varied nature of his duties one[5] of his biographers has said that he 'collected, with infinite

[1] See the letter of the Select Committee to the Court of Directors, dated at Fort William 24th January, 1767.

[2] Also see the author's article on the subject in *Proceedings of Meetings*, Vol. XV, Indian Historical Records Commission, pp. 69–79.

[3] In a letter to the Governor and Council at Fort William, 'dated Emeer Cawn's, the 6th December 1768', Colonel Richard Smith said:

'The Residency at the Durbar, upon its present system, is most undoubtedly the Post of so much Importance on the Civil Establishment, as to be inferior only to that of the President'.—See Home Department (Fort William), O.C. No. 7, 28th December, 1768.

We also find in paragraph 97 of the General Letter to the Court of Directors, dated at Fort William 2nd February 1769, that the Council (at Fort William) had even appointed once a Deputy-Resident at the Durbar with a view to relieving the Resident of a part of his heavy duties. The paragraph says :—

'As we were also of opinion that a Deputy Resident would be of essential service to your affairs and would greatly contribute to the Relief of the Resident in the Duties of his laborious Employment—And as the Knowledge Mr Robert Maddison has acquired of the Persian Language in which most of the Dewany accounts are kept and the manner of transacting Business with the Natives will afford him an opportunity of being more serviceable to you in this Station than his present one we have appointed him to it.'

[4] See Gleig, *Memoirs of Warren Hastings*, 1841, Vol. I, pp. 54-55.

[5] The Rev. G. R. Gleig.

difficulty, a considerable portion of the outstanding balances that were due from Meer Jaffier to the Company; he put down, by the exercise of a sound discretion, more than one tumult in the city; he conducted many delicate negociations both with the Nabob and his great officers of state, so as to call for the warm approbation of the Council, etc.'[1] Indeed, the Resident was the 'sole agent' of the Company for transacting all its business at the Durbar. And he had there, as Mr Verelst[2] once said in 1768 in another connexion[3], 'an opportunity of discovering the Tempers, the Dispositions, and the particular characters not only of the Nabob and of his Ministry, but even of every person of any note or consideration in this kingdom'; and would, because of his position, be 'either engaged in, or ...... privy to all political Transactions' in the Nawab's Court. In view of the importance of his office, the Court of Directors had written[4] to the Governor and Council on 24th December, 1765, that if it was really necessary to have a Resident at the Durbar, then they must 'choose him, not by seniority in the service, but by an established Character for Integrity, Abilities and a knowledge of the Country Language'.[5] And in a previous letter[6] the Court had written to the President and Council:

'It is always necessary that a Civil Servant of Rank should reside on the Company's behalf at the Durbar, agreeable to the Treaty with the present Nabob. In this appointment the abilities and Qualifications of the Person

[1] See Gleig, *Memoirs of Warren Hastings*, Vol. I, p. 52.

[2] Governor and President of Bengal from after the departure of Clive in January, 1767, till December, 1769. Mr Verelst 'resigned the government of Bengal, December 24th, 1769'.—See Verelst, *A View of the Rise, etc. of the English Government in Bengal*, App., p. 120, foot-note.

[3] In connexion with the question whether the second member of the Council at Fort William should remain at the Presidency or be permitted to fill any vacancy that might occur elsewhere.—See Home Department (Fort William) O.C. No. 9, dated 28th December, 1768.

[4] See the Court's General Letter to Bengal, dated 24th December, 1765.

[5] Also see the Court's letter to the Select Committee at Fort William, dated 21st November, 1766.

[6] See the Court's General Letter to the President and Council at Fort William in Bengal, dated 15th February, 1765, para 69.

should be *chiefly regarded*,[1] And we suppose you had these in view in the choice of our present Resident Mr Watts '.[2]

The varied nature of the duties of the Resident would be evident from the following extracts from the instructions which the President and Council at Fort William issued to him on 29th May and 13th December, 1764. On 29th May, 1764, they wrote[3] to Mr Batson who had been 'appointed to attend constantly at the Nabob's Court':

'As the constant attention Major Carnac is at present obliged to pay to the motions of the Enemy and the operations of our own Army may prevent him from obtaining and sending us the necessary information of what passes at the Nabob's Court, we have thought proper to appoint you resident at the Durbar We direct therefore that you enter upon this office immediately on receipt hereof *transmitting to us daily advice of everything that occurs.*[4]

'By the enclosed copies of some Letters which have passed between the Nabob and Sujah Dowla, Beny Bahadre and others You'll perceive that Terms have been proposed for a negociation but we have yet heard nothing on this subject from the major—We must desire you will inform yourself as far as you can discover, what may be the Nabob's motives and views in such a scheme, and what steps have been taken in it—For our own part we are resolved to enter into no Treaty with Shuja Dowla unless Meer Cossim, Sombre and our Deserters be first put into our hands as a preliminary. You will therefore acquaint the Nabob that this is Our Resolution assuring him we will accede to no Treaty he may make on any other Terms . . . . .

[1] The italics are ours.

[2] The Resident at the Durbar was appointed by the President and Council at Fort William. But sometimes, as in the case of the appointment of Mr Francis Sykes as Resident at the Durbar, the Select Committee at Fort William would take the initiative in the matter and make a recommendation therefor to the Council (at Fort William).—See Proceedings, Select Committee, Fort William, of 5th October, 1765.

[3] See Consultation, Secret Department, Fort William, 29th May, 1764.

[4] The italics are ours.

'We have only further to recommend to you *the greatest vigilance and attention*[1] and to desire that you will be particularly careful in conducting yourself towards the Nabob, in order to preserve as great a confidence as possible between his and our Govts'.

And in their letter to Mr Samuel Middleton, dated at Fort William 13th December, 1764, the President and Council wrote[2]:—

'The Nabob having set out for Moorshedabad you will agreeably to your Appointment proceed thither, and attend him as Resident at his Durbar—*In this Capacity you must in General keep us constantly advised of all such material transactions, and occurrences, as may come to your knowledge, being for that Purpose extremely vigilant and attentive*[3], and make to the Nabob from time to time such Representations from us as you may be instructed—The principal objects of your Attention at present are the following:—

'The procuring regular payment of the five Laaks per month granted by the Nabob towards defraying the Expences of the War with Shuja Dowla agreeably to the writing[4] passed by him the Nabob while he was here and you will find him of Course at Moorshedabad desirous of putting a speedy period to the continuance of this monthly payment; He even thought the Defeat of the Vizier at Buxar should have been this period; He is well acquainted with our Sentiments on this subject, and that We mean not to exact such assistance from him longer than the War subjects us to

[1] The italics are ours.

[2] See Consultation, Secret Department, Fort William, 13th December, 1764; also Secret Letter to Court, dated at Fort William, 6th February, 1765.

[3] The italics are ours.

[4] Reference here is to Nawab Meer Jaffier's 'Note for Five Lakhs of Rupees per month for the expenses of the Army', dated 16th September, 1764. According to this Note the Nawab agreed to pay to the Company five lakhs of rupees every month 'for the expenses of the Europeans and Sepoys, the Artillery, and raising of the Cavalry', 'from the beginning of the month Sophar (31st of July 1764) of the 5th year of the reign till the removal of the troubles with the Vizier'. See Aitchison, *A Collection of Treaties, Engagements*, etc. 4th Edition, 1909.

so heavy an Expence, and as soon as We can reduce this with Propriety and Prudence in Respect to the Safety of our Possession, We shall think it but just to relieve him also, agreeably to the Tenor of his Grant. In the meantime, and till you have other Directions from us, you will continue to press these Payments in the strongest Terms, causing the Amount of the Tuncaw on the Naib at Moorshedabad to pass as hitherto through the Hands of the Gentlemen at Cossimbazar who will account with us for the same. The second point which you have now to attend to, is the Nabob's compliance with the Terms of the Kistbundee[1] which he has executed for payment of the money for the Restitution Fund.

'You will moreover endeavour as soon as possible to procure and transmit us an exact state of the Nabob's Revenues and of the Expences of his Government, also an Account of the number of Troops he keeps up. And you will make it your particular study, to promote in every respect a good Harmony and understanding between us and him.

[1] Reference here is to 'the Kistbundee executed by the Nabob (Meer Jaffier) agreeably to the' Company's 'Desire for the payment of the Restitution for the Merchants Losses' during its troubles with Meer Cossim. We find in the Proceedings of a meeting of the Council (at Fort William) in its Secret Department, held at Fort William on Thursday, 6th December, 1764, the following translation of the Nawab's 'note for the payment of 48 Laaks of Rupees Restitution money':—

'Regulation of the payments of the money plundered by Meer Cossim from the English Merchants etc in the provinces of Bengal and Bahar which shall be made from the Beginning of the month of Cartic in the Bengal year 1171 to the End of the Bengal year 1172 according to the Particulars following:—

In the Bengal year (1171)	2800000
To the End of Augun	2000000
In the month of Maug	500000
In the month of Faugun	300000
In the Bengal year 1172	2000000
In the month of Sawun (middle of July to the middle of August)	500000
In the month of Ausin	700000
In the month of Poos	800000
Total ...	4800000'

See the Proceedings, Council, Secret Department, Fort William, of 21st November and 6th December, 1764; also Nawab Meer Jaffier's Treaty (article 10) with the Company, dated 10th July, 1763.

'We have further to mention to you that We have Reason to think that some persons about the Nabob are endeavouring to prejudice in his opinion Mahomed Reza Cawn the present Naib of Dacca ; As this man came into the Assistance of ours and the Nabob's Affairs at a critical Juncture, the commencement of the War with Cossim Aly Cawn, and chiefly by our Sollicitation, tho' with the Nabob's also who in Consequence appointed him to the said naibut, and as he has always shewn himself attached to our Interest, it is becoming and reputable to us to afford him all possible support and countenance. We accordingly in our visit to take Leave of the Nabob recommended him particularly to his Favor, and as he is now at Moorshedabad for the Adjustment of his Accounts, You will if necessary remind His Excellency of this our Interposition in his Behalf, confirming it in the strongest terms, and further immediately represent to him how absolutely necessary it is to dispatch him to Dacca for the collection of the Revenues in that part.

'You are to regulate your own by the motions of the Nabob, as you are to attend his Durbar wheresoever he may remove to:—We could wish however he may remain for some time at least at Moorshedabad to settle the Collections and Accounts of the several provinces, which as you see occasion you will accordingly represent to him the necessity of.

'We have advised the Gentlemen of the Cossimbazar Factory of your Appointment and directed them on all occasions to make their applications through you to the Nabob and to make you also the necessary Advances for your Expences'.[1]

The Resident at the Durbar had also been for some time

[1] As previously (p. 51, foot-note 2) shown in another connexion, we also find in the following letter of instructions from the Select Committee at Fort William to Mr Richard Becher on his appointment as Resident at the Durbar:—

'Sir,

The President and Council having nominated you to the station of Resident at the Durbar You will be pleased to proceed to the City (i.e. Moorshedabad) with all convenient expedition—

You are to correspond with the Select Committee on the subject of

the Chief of the Company's Factory at Cossimbazar. 'As it had been found, however, that the duties of the two offices were too heavy for one person to discharge satisfactorily, the Court of Directors wrote to the President and Council at Fort William, on 20th November, 1767[1] :

'Being convinced that the Employs of Resident at the Durbar and Chief of Cossimbazar cannot from the Importance and Extent of the Business of each Department be properly executed by one Person, We therefore direct that they be from this time forward separated, and that some other member of the Council be appointed to the said Chiefship, we do not make this Regulation from any failure of attention on the part of Mr Sykes, with whose conduct we are perfectly satisfied.'

And in a previous letter[2] the Court had written to the President and Select Committee at Fort William, on 21st November, 1766 :—

'We observe that Mr Sykes (Resident at the Durbar) has also charged the Factory at Cossimbazar We apprehend the attention to so large an investment as is made at that Factory will take him off from the more important objects of his office of Resident at the Durbar; if you find Our Conjecture well grounded we recommend it to you, to appoint one of the other members of the Council to that Chiefship that the Resident at the Durbar might apply himself solely to the Superintendency of the Revenues'.

The Council at Fort William took action as directed by the

the Collections committed to your charge, as well as of all other matters relative to the Country Govt.

As the several orders transmitted to your predecessor will be delivered over to you for your guidance we have only at present to add our best wishes for your success.

Fort William *4th Jany 1769.* — We are, etc.'

The italics are ours.

See Proceedings, Select Committee, Fort William, 4th January, 1769.

[1] See the Company's General Letter to Bengal, dated 20th November, 1767, para 110.

[2] See the Court's letter to the President and Select Committee at Fort William in Bengal, dated 21st November, 1766, para 9.

Court. And in its General Letter[1] to the Court, dated at Fort William 13th September, 1768, it stated :—

'In consequence of your Orders that the Chief of Cossimbazar and the Resident at the Durbar should no longer be held by one person we appointed Mr Wm. Aldersey to the Former and that Gentln. having requested our opinion upon some points, we thought it necessary to draw a Line between the Authority of each and accordingly decided

'That all persons employed in the provision of the Investment[2] and the management of that Branch should be under the authority and direction of the Chief of Cossimbazar—

'That all applications to the Nabob should be thro' the channel of the Resident at the Durbar

'That the Chief of Cossimbazar and the Resident at the Durbar should each of them have additional Power to grant Dustucks[3] in their Respective Departments'.

As we shall shortly[4] see, the duties of the Resident at the Durbar and those of the Chief of the Factory at Cossimbazar were again entrusted to the same person in 1772. This happened in the following circumstances.

As we have shown in detail elsewhere[5], on July 6th, 1770, the Governor and Council at Fort William instituted, in pursuance of the instructions of the Court of Directors conveyed by its General Letter of 30th June, 1769, by the *Lapwing*, two Controlling Councils of Revenue—one at Moorshedabad and another at Patna. With the institution of the Council of Revenue at Moorshedabad the office of Resident at the Darbar was abolished, and Mr Richard Becher who had previously been appointed Resident at the Durbar, was now appointed Chief or President of the Council of Revenue at Moorshedabad, with Messrs Reed, Lawrell and Graham as his colleagues. And the Council at Fort William

[1] Para 118.
[2] See Glossary.
[3] See Glossary.
[4] See page 66 *post*. Also see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, p. 117.
[5] See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72, Chapter IV.

issued[1] the following Instructions, among others, to the Council of Revenue at Moorshedabad :—

'You are to have the control of all the business of the Dewannee Revenue But Mahomed Reza Cawn must be Naib Duan and all the business must be carried on through the Naib & under his seal and signing.

'The Authority with which we heretofore vested the Resident at the Durbar . . . . will no longer remain with him. It is to be exerted by you our Council and all transactions with the Country Government which were carried on through the Channel of the Resident at the Durbar . . . . will now be conducted by you.

'And whatever the majority of the Council determine upon is to pass into an Act—but on a division of voices the Chief is to have the Casting Vote.'[2]

As we have further shown there[3], when on the recommendation of what is known as the Committee of Circuit,[4] the Council at Fort William decided in August, 1772, to remove the 'Khalsa[5] with all the offices appertaining thereto', from Moorshedabad to Calcutta and place it under its immediate control at the Presidency, it ordered, as will be evident from the following letter, the dissolution of the Council of Revenue at Moorshedabad[6] :—

'To Saml. Middleton Esqre

Chief & Council of Revenue at Moorshedabad

Gentlemen

Having judged it expedient to remove the Khalsa Etc.

[1] See the author's *Early Land, etc.*, pp. 104–110, for further details.

[2] These as well as the other Instructions which the Council at Fort William issued to the Council of Revenue at Moorshedabad had been approved of by the former at its Secret Consultation held at Fort William on 16th August, 1770. They were actually sent to the latter on 11th September, 1770. See *ibid* for further details.

[3] See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp., 114–116.

[4] Constituted by the Controlling Committee of Revenue at its meeting held at Fort William on 14th May, 1772. For details, see *ibid.*, pp. 158–59 and also 176–77.

[5] See Glossary.

[6] See Secret Consultations, Fort William, 6th and 17th August, 1772; also the General Letter (Revenue Department) to the Court of Directors, dated at Fort William 3rd November, 1772; also the author's *Early Land Revenue System, etc.*, pp. 115–16.

Offices of the Dewannee from Moorshedabad to Calcutta in consequence of the Command of the Honble Company and the inutility of continuing the Revenue Establishment at Muxadabad without any charge being duly considered We this Day came to the Resolution of Recalling the Gentlemen of your Board to the Presidency and of Dissolving the appointment we made for managing the Business of the Collections at the City. On receipt of this You will therefore consider Yourselves no longer a Board of Revenue but finally Close your proceedings collect together your Records and convey them in the safest manner to us.

We are, etc.
Wm. Aldersey
Thos. Lane
Richd. Barwell
(James) Harris
Hy Goodwin'

FORT WILLIAM,
17th August, 1772.

We may add that after the decision had been taken by the Council at Fort William to dissolve the Council[1] of Revenue at Moorshedabad and to remove from there the Khalsa etc., to Calcutta, the Committee of Circuit proposed[2] that, as Moorshedabad would still continue 'to be the Seat of the Residence of the Nabob', a person should remain there 'in Quality of Resident of (at ?) the Durbar'. His duties would be to superintend the transactions of the Nawab's Court, 'to keep an Eye over the conduct of his Guardian[3] and his Duan,[4] in the care of his Education and the management of his Household to furnish the Advances of his stipend according to the Orders of the President and Council to receive and transmit the Accounts of its Application agreeably to the Orders of the Court of Directors and to

[1] The Council was actually dissolved on 8th Sept., 1772.
[2] See Secret Consultation, Fort William, 29th August, 1772; also the Proceedings of the Committee of Circuit. Cossimbazar, dated 20th August, 1772.
[3] Munnee Begum, widow of the late Nawab Meer Jaffier.
[4] Raja Goordass, son of Maharaja Nand Comar.

attend to the good Government of the City'. The Committee also suggested that, 'as the situation of this Resident' would enable him to conduct with regularity and success the collection of the Western Division of Rajshahi, it should be put under his superintendence. The Committee further proposed that the Resident at the Durbar should be appointed Chief of the Factory at Cossimbazar. Finally, 'all these being objects of very great Trust', the Committee was of opinion that 'they ought to be, and that the Court of Directors will approve of their being confided to a member of the Council'. It, therefore, recommended that Mr Samuel Middleton should be appointed 'Resident of (at ?) the Durbar, Collector of Rajeshahy and Chief of Cossimbazar'.[1] All these recommendations of the Committee were duly accepted by the Council at Fort William[2]. Thus the office of Resident at the Durbar was reinstituted in 1772, although its duties now were to be somewhat different from what they had been before.

Business of the Diwani, purely political.

It may be noted here that 'for the greater precision in the management' of the affairs of the Company, the Select Committee at Fort William 'considered the whole business of the Dewanny as purely Political', and reserved to itself, as we shall have an occasion to see later on, the power 'of settling the amount of the annual revenues and collecting them in quality of Dewan for the King'.[3] And it, therefore, wrote[4] to the Court of Directors on 24th January, 1767, that it had kept the business of Diwani 'separate and apart from that of your former possessions[5], the direction of which will in future be left to the Governor and Council'.[6]

[1] See Secret Consultation, Fort William, 29th August, 1772; also the Proceedings of the Committee of Circuit, Cossimbazar, dated 20th August, 1772.

[2] Secret Consultation, 29th August, 1772.

[3] See the Select Committee's letter to the Court of Directors, dated at Fort William 24th January, 1767.

[4] See *ibid*.

[5] I.e., the Company's Zemindary lands of Calcutta and the Twenty-four Parganas, and the ceded districts of Burdwan, Midnapore, and Chittagong. See page 73.

[6] But also see Chapter IV.

Originally, the Nawab's Ministers had no fixed salaries. They used to receive 'for the maintenance and support of their dignity certain emoluments and perquisites' which had 'always by the custom of the Country been annexed to their station and offices'.[1] Mahomed Reza Cawn represented to the Select Committee at Fort William 'the great Expence which he necessarily' incurred 'in supporting the dignity and influence of his station, an Expense which he' had 'hitherto defrayed by receiving those perquisites and Emoluments usually annexed to his office'; and desired that the Committee should assign to him 'a stated salary and provision'. This he thought would 'prove more honourable to himself and advantageous to the revenue'.[2] He also pointed out [3] to the Committee 'with great delicacy of Honor....... the evil consequences that must ensue from the continuance' of the then existing practice, 'Since by suffering the principal officers of the Government to depend for the support of their dignity on the precarious fund of Perquisites', the Company in a manner obliged them 'to pursue oppressive corrupt measures equally injurious to the Country and to the Company'. At a meeting held at Barasult (Barasat ?) on 31st December, 1766, the Committee, having taken 'into serious consideration the great importance of Mahomed Reza Cawn's particular station which is that of Naib Dewan and prime minister, the Extraordinary zeal and ability he has shown in the discharge of his office, the Expediency of maintaining him in the full influence due to his rank and the benefit to the revenue that will accrue from cutting off all secret advantages and perquisites which so evidently open a door to manifold acts of fraud and oppression', resolved 'that in lieu of all the perquisites and Emoluments hitherto received by Mahomed Reza Cawn and the other ministers agreeably to the custom of the country,

Ministers' salaries.

[1] See the Select Committee's letter to the Court of Directors, dated at Fort William 24th January, 1767.

[2] See Proceedings, Select Committee, Barasult (Barasat ?), 31st December, 1766.

[3] See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767.

there shall in future be assigned for their maintenance and support an annual salary of twelve lacs of rupees, the same to be deducted from the monthly collections[1] and divided between Mahomed Reza Cawn, Roy Dullub and Sitabroy in such manner and in such proportions as shall be settled by the Right Honourable the President and them'; and that payment should 'commence on the last day of January next' (i.e., 1767). The total annual salary of twelve lakhs of rupees was afterwards 'divided amongst the Ministers as follows[2] :—Nine Lacks to Mahomed Reza Cawn, Two Lacks to Roydoolub and one Lack to Shitabroy'.[3]

Justifying its decision the Select Committee wrote to the Court of Directors on 24th January, 1767:

'We are . . . of opinion that it is more becoming the dignity of your Government, more consistent with your true interest and more conformable to the plan we have adopted of conciliating to us the minds of the natives, that a stop should in future be put to the necessity of those exactions which though customary, must nevertheless be grievous to the people; and we have therefore upon due consideration of the necessary expences consequent on their rank station and offices, assigned 12 Laaks of Rupees per annum for the maintenance and support of Mahomed Reza Cawn, Roy Dullub, and Sitabroy who hold in their hands the most important Employments of the Government'.

The salaries 'settled upon the Ministers'—and particularly the salary which was to be paid to Mahomed Reza Cawn—

[1] I.e., the revenues collected.

[2] See the Court's letter to the President and Select Committee in Bengal, dated 17th March, 1769.

[3] According to a Parliamentary Report, the division was made as follows :—

Mahomed Reza Cawn ...	9 lakhs per annum.
Roy Dullab	2 ,, ,, ,,
Shitab Roy	99,996 rupees per annum.

(We have not been able to account for the difference of four rupees in the case of Shitab Roy.)

We also find in the same Report that 'Lord Clive and the Select Committee allotted Shitabroy a monthly allowance of 25,000 rupees' in addition to his allowance mentioned above.—See *Further Report from the Committee of Secrecy appointed to enquire into the State of the East India Company*, London, 1773.

were indeed very high. But in fixing them the Committee had to take into consideration 'the perquisites and Emoluments' which they had been enjoying before. Besides, there were political considerations which influenced the Committee in its decision. As the Select Committee further wrote[1] to the Court of Directors,

'In establishing this Fund for maintenance of the Principal officers of the State we have had a particular regard to the amount of their perquisites which will henceforward be annexed to the Revenues, to their Elevated stations and to the expediency of supporting them in all the show and parade requisite to keep up the authority and influence of their respective offices—as they are all men of weight and consideration in the country, who held places of great trust and profit under the former government we further proposed by this act of generosity to engage their cordial services and confirm them steady in our interest; since they cannot hope from the most successful ambition to rise to greater advantages by any change or revolution of affairs—at the same time it was reasonable we should not lose sight of M. R. Cawn's past services, he has pursued the Company's interest with steadiness and dilligence (*sic*)—His abilities qualify him to perform the most important services—The unavoidable charges of his particular situation are great—In dignity he stands second to the Nabob only, and as he engages to increase the Revenues without injustice or oppression to more than the amount of his salary and to relinquish those advantages to the amount of Eight Laaks of Rupees per annum which he heretofore enjoyed we thought it proper in the distribution of salaries to consider Mahomed Reza Cawn in a light superior to the other Ministers, this we have recommended to the President,[2] who will adjust with their approbation the several proportions to be drawn from the above appointment—We have only to observe further upon this subject that great and enormous as the sum must appear

[1] See the Select Committee's letter to the Court of Directors, dated at Fort William 24th January, 1767.

[2] See page 68 *ante*.

which we have allotted for the support of the ministers of the Government We will not hesitate to pronounce that it is necessary and reasonable and will appear so on consideration of the power which men employed on those important services have either to obstruct or promote the public good, unless their Integrity be confirmed by the ties of gratitude and interest '.

At first, the Court of Directors approved of the total amount of salaries which had been granted to the Ministers. In its letter to the Select Committee at Fort William, dated 16th March, 1768, it wrote—

'We approve of the Establishment you have made of Twelve Laaks for salaries to the ministers, whom We wish to maintain (in) the same Rank and Dignity that was annexed to their stations in former times, but as this is allotted them on condition that they relinquish all the Perquisites and Emoluments annexed to their Offices, we expect to see that they are duly brought to the Government's Credit and appear as Such in the Resident's account.'

Later on, however, in its letter to the Select Committee, dated 17th March, 1769, the Court stated in regard to the salary of Mahomed Reza Cawn that, although it was fully convinced of his great merits, yet it thought that a salary of nine lakhs per annum was too great for any one officer. It, therefore, directed that, in case of his death or resignation, the Committee should fix the salary of his successor 'upon a more frugal plan'. Further, the Court said that Mahomed Reza Cawn 'being the only acting Minister in the Business of the Revenues at Moorshedabad', the Committee should consider how far it would be 'eligible to Reduce the Salary of Two Lacks assigned to Roydoolub'.

Finally, in its General Letter to Bengal, dated 10th April, 1771, the Court ordered that the salary of Mahomed Reza Cawn should be reduced from nine lakhs of rupees to five lakhs. And it wrote to the President and Council at Fort William in this connexion:—

'How great soever the application of Mahomet Reja Cawn and his adherence to the Company's interest, may have

been, his rewards have been more than adequate thereto, and as the business of the collections of our Revenues, when they shall have been thoroughly investigated by the supervisors appointed for that purpose will require little or no assistance from that minister we must deem the continuance of his present salary as a waste of those resources which are become so essentially necessary both for the security of our possessions and the extension of your investments. It is therefore our pleasure that the annual allowance of nine lacks which he has hitherto enjoyed be no longer continued to him, but as the minority of the nabob[1] will make it requisite for you to appoint as his guardian a person of experience in the affairs of Government and of approved attachment to the Company's interests, your choice must rest on Mahomet Reza Cawn; and you are to allow him, while in that station, a salary of five Lacks of Rupees per annum, which we consider not only as suitable to such station but as a munificent reward for the services he may render the Company in the execution of his office.'

With regard to Roy Dullab, the Court stated[2] that, although it could not 'expect from him any services equal to his present appointment', yet in consideration of the part he had long played in the affairs of Government, and of his advanced age, it was disposed to continue the salary he then enjoyed. 'But', the Court concluded, 'on his Death, this allowance is not to be given to any Person whatever'.

[1] Reference is to Nawab Mubarak-ud-Dowla. Nawab Syf-ud-Dowla having died of small-pox on 10th March, 1770, his younger brother, Mubarak-ud-Dowla, who was of about ten years of age, succeeded him as the Nawab of Bengal, 'being the next in the line of succession' was 'recognized' and 'established' by the Company. —See the General Letter to the Court, dated at Fort William 18th March, 1770; also the General Letter to the Court, dated at Fort William 25th August, 1770. Also see pages 42-43 (foot-note) *ante*.

[2] See the Court's General Letter to Bengal, dated 10th April, 1771.

Nothing occurs in this letter in regard to Shitab Roy's salary. But there is something in it in regard to Juggut Seet's allowance. It says:—

'The annual allowance to Juggatseat as Assistant to Mahomet Reza Cawn has been a drain on our Revenues without the least benefit from his administration, for we are well assured that he has never afforded us a single Instance of service, His allowance therefore must be immediately struck off'.

SOME CONSEQUENCES OF THE DIWANI

Some of the consequences of the grant of the Diwani to the Company may perhaps be best stated in the language of the very persons who were chiefly instrumental in securing it from the Mughal Emperor—we mean Clive and his Select Committee.

Clive's Views.

Referring, in one of his earlier letters[1] to the Court of Directors, to the 'Sources of Tyranny and oppression' which had been 'opened by the European Agents acting under the authority of the Company's Servants, and the numberless Black Agents and Sub-Agents acting also under them', which he was afraid would bring 'a lasting Reproach to the English Name in this Country';[2] to 'Ambition, Success, and Luxury', which had, he found, 'introduced a new System of Politics' into Bengal 'at the severe expence of *English* Honour, of the Company's Faith, and even of common Justice and Humanity'; and to the abuse of the privilege of Dustucks by the Company's servants as the officers of the (Nawab's) Government were so afraid of the Company's 'Influence and Authority' that they did not dare to 'search or stop a Boat, protected by the Name of a Company's Servant'—and frauds of this kind, 'so easy to be practised, and so difficult to be detected' were but too frequent—Clive said that he had 'at last, however, the Happiness to see the completion of an Event, which', in these respects as well as in many others, must be 'productive of Advantages hitherto unknown, and at the same Time prevent Abuses' that had up till then had no remedy: He

[1] See Clive's letter to the Court of Directors, dated at Calcutta 30th September, 1765, para 12. In one record the date has been given as 29th September. That seems to be an error.

[2] 'It is impossible', Clive also said, 'to enumerate the Complaints that have been laid before me by the unfortunate Inhabitants, who had not forgot that I was an Enemy to Oppression. The Necessity of securing the Confidence of the Natives, is an Idea I have ever maintained, and was in hopes would be invariably adopted by others; but Ambition, Success, and Luxury, have, I find, introduced a new System of Politics, at the severe expence of *English* Honour, of the Company's Faith, and even of common Justice and Humanity'.—See *ibid*.

meant the Diwani, 'the Superintendency of all[1] the Lands, and the Collection of all the Revenues of the Provinces of Bengal, Bahar, and Orissa'. 'The Assistance', Clive continued, 'which the Great Mogul had received from our Arms and Treasury, made him readily bestow this Grant upon the Company; and it is done in the most effectual manner you can desire. The Allowance for the Support of the Nabob's Dignity and Power, and the Tribute to his Majesty, must be regularly paid; the Remainder belongs to

[1] As we have stated elsewhere, the adjective 'all' is not technically correct as what are known as the Company's Zemindary lands of Calcutta and the Twenty-four Parganas, and the ceded districts of Burdwan, Midnapore, and Chittagong were not included within the *Diwani* lands. At the time of the grant of the Diwani, both the Zemindari lands and the ceded districts 'were superintended by the covenanted servants of the Company' and the collection of revenue in those areas was either directly in their hands or under their control. —See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, p. 2, foot-note 1.

It may be added here that in addition to the Farman conferring on the Company in perpetuity the Diwani of the Provinces of Bengal, Bihar and Orissa, the Mughal Emperor issued on 12th August, 1765, several other Farmans, 'confirming to the Company all their former (territorial) possessions and securing to them the Reversion in perpetuity of Lord Clive's Jaghire'. (See Proceedings, Select Committee, Fort William, 7th September, 1765). For instance, by one of them (See Home Dept., Public, Fort William, O.C. No. 7, 9th September, 1765) he not only confirmed the grant of the Jagheer to Lord Clive made by Meer Jaffier, but also provided for its reversion at the expiration of ten years from 16th* May, 1764, to the Company 'as an unconditional Jagheer and perpetual Gift', and for the same earlier, in the event of His Lordship expiring before the expiration of the said ten-year period. By another Farman (see Home Dept., Public, Fort William, O.C. No. 9, 9th September, 1765) the Emperor confirmed to the Company 'as a free Gift and ultumgan without the association of any other Person', the 'chuclas of Burdwan, Midnapoor and Chittagong Etc, and also the twentyfour Perganas of Calcutta Etc. (the Zemindary of.........the English Company)' which had been 'granted to the said Company in the time of Meer Mahomed Cossim and Meer Mahomed Jaffier Cawn deceas'd'. Also see Home Dept., Public, Fort William, O.C. Nos. 10 and 11, 9th September, 1765.

* It should be noted here that the *original* Agreement between the Company and Lord Clive regarding his Jaghire, was dated 16th May, 1764. Under this Agreement 'His Lordship was to enjoy the Jaghire of 2,22,958 sicca Rupees per annum for ten years commencing from the 5th day of said May 1764, that is to say to the 5th May 1774 if his Lordship should so long live, but in case of his Lordship's Decease before the expiration of the said ten years, then the said Jaghire was to cease upon the day of his Death'.—See the Company's General Letter to Bengal, dated 20th November, 1767, para 54.

the Company. Revolutions are now no longer to be apprehended; the Means of effecting them will, in future, be wanting to ambitious Mussalmen; nor will your Servants, Civil or Military, be tempted to foment Disturbances, from whence can arise no Benefit to themselves. Restitution, Donation Money,[1] etc., etc. will be perfectly abolished, as the Revenues from whence they used to issue will be possessed by ourselves'.

Clive was not prepared, however, actually to exercise the 'Power[2] of supervising the Provinces', although it had been by implication vested in the Company as a consequence of

[1] Reference here is to the restitution for private losses (either actually suffered or alleged to have been suffered) during the war with Cossim Ally Cawn, and to the promised donations to the (English) army and navy for their services to the Nawab on that occasion.

'When the war broke out with Cossim Ally Cawn in the year 1763', says the *Further Report from the Committee of Secrecy appointed to enquire into the State of the East India Company*, London, 1773, 'and a resolution was taken by the President and Council of Fort William to restore Meer Jaffier to the Subaship, the said President and Council entered into a treaty with him, dated the 10th of July, 1763,......by which, among other articles, he agreed to reimburse to all private persons the amount of such losses, proved before the Governor and Council, as they might sustain in their trade in the country; and if he should not be able to discharge this in ready money, to give assignments of lands for the same: and it appears to your Committee, that upon the same occasion the said Meer Jaffier promised a donation of 25 lacks of rupees to the army.

'And your Committee find, by a minute of the Consultations of Fort William, the 15th of November 1764, ... that the said Meer Jaffier gave to the then Commander of the fleet an engagement in writing, dated the 8th of October 1764 for the payment of 12 lacks and an half of rupees to the Navy.

'And it appears to your Committee, that a large proportion of the restitution money, and of the donation to the army was paid by Meer Jaffier, or by his successor Nudjum ul Dowlah.........but they do not find that any part of the donation to the navy was paid by them.'

The relevant clause in the Treaty of 10th July, 1763, referred to above, ran as follows: 'I (i.e., the Nawab) will give thirty lacks of rupees, to defray all the expenses and loss accruing to the Company from the war and stoppage of their investment; and I will reimburse to all private persons the amount of such losses proved before the Governor and Council, as they may sustain in their trade in the country; if I should not be able to discharge this in ready money, I will give assignments of land for the amount'.

Also see pages 15-16 and 60 *ante*.

[2] Clive obviously meant by this the taking over of the responsibility of the actual collection of the Diwani revenues through the instrumentality of the Company's servants.

the grant of the Diwani to it. 'Three Times the present Number of Civil Servants would be insufficient for that Purpose: Whereas,' observed[1] Clive, 'if we leave the Management to the old Officers of the (Nawab's) Government, the Company need not be at the Expence of one additional Servant; and though we may suffer in the Collection, yet we shall always be able to detect and punish any great offenders, and shall have some Satisfaction, in knowing that the Corruption is not among ourselves: By this Means also the Abuses inevitably springing from the Exercise of territorial Authority, will be effectually obviated; there will still be a Nabob, with an Allowance suitable to his Dignity, and the territorial jurisdiction will still be in the Chiefs of the Country, acting under him and the Presidency in Conjunction, though the Revenues will belong to the Company. Besides, were the Company's officers to be the Collectors, foreign Nations would immediately take Umbrage; and Complaints preferred to the British Court might be attended with very embarrassing Consequences: Nor can it be supposed, that either the French, Dutch, or Danes, will acknowledge the English Company Nabob of Bengal, and pay into the Hands of their Servants the Duties upon Trade, or the Quit Rents of those Districts, which they have for many years possessed by Virtue of the Royal Phirmaund, or by Grants from former Nabobs'.

Additional Revenues.

In regard to the amount of the additional revenues to be gained by the Company as a result of its acquisition of the Diwani, Clive wrote to the Court[2]: 'Your Revenues, by Means of this new Acquisition will, as near as I can judge, not fall far short, for the ensuing Year, of 250 Lacks of Sicca Rupees, including your former Possessions of Burdwan, etc. Hereafter they will at least amount to 20 or 30 Lacks more . . . . . . there will be remaining (after the Company's civil and military expenses[3] had been met and the Nawab's

[1] See Clive's letter to Court, dated at Calcutta 30th September, 1765.
[2] See *ibid.*
[3] Which could never exceed 'in Time of Peace. . . . . 60 Lack (*sic*) of Rupees'.—*Ibid.*

allowances and the tribute to the King had been paid), a clear Gain to the Company of 122 Lack of Sicca Rupees or £1,650,900 Sterling, which will defray all the Expence of the Investment[1], furnish the whole of the China Treasure, answer the Demands of all your Settlements in India, and leave a considerable Balance in your Treasury: Besides, in Time of War, when the Country may be subject to the Invasions of Bodies of Cavalry, we shall, notwithstanding, be able to collect a sufficient sum for our Civil and Military Exigencies, and likewise for our Investments; because a very rich Part of the Bengal and Bahar Dominions are situated to the Eastward of the Ganges, where we can never be invaded. What I have given you is a real, not imaginary, State of your Revenues, and you may be assured they will not fall short of my Computation'.

He pointed out,[2] however, in this connexion that it was very necessary that 'the present Appearance of the Nabob's Power' should be preserved. So long as this was done the acquisition of the Diwani by the Company might not give 'umbrage to Foreign Nations'. Even then he felt that before long they would entertain 'Jealousies' of the commercial superiority of the Company resulting from its position as Diwan. And, indeed, he said, 'Public Complaints' had already been 'made from both French and Dutch Factories, that the Dread of the English Name, added to the Encouragement of' the Company's servants at the different Aurungs, had deterred weavers from complying with usual and necessary demands. He was persuaded that, sooner or later, national remonstrances would be made by them on that subject.

Clive's remarks in his letter on 'the Princes of Indostan' are very interesting. The Company should not, he said, in view of the excesses it had not long before 'manifested' in its conduct, expect that these princes would ever be attached to it 'by any

[1] The term signified 'the goods purchased for the European markets'.—Verelst, *A View of the English Government in Bengal*, p. 81 n.

[2] See Clive's letter to Court, dated at Calcutta 30th September, 1765.

other Motive than Fear'. Meer Jaffier, Cossim Aly, the Nawab of Arcot (' the best Mussulman ' he had ever known), had afforded 'Instances sufficient of their Inclination to throw off the English superiority'. No opportunity would ever be neglected that would seem to favour an attempt to extirpate the Company. 'Even', he continued, 'our young Nabob[1] . . . . who has little Abilities, and less Education to supply the want of them; mean, weak and ignorant, as this Man is, he would, if left to himself, and a few of his artful Flatterers, pursue the very paths of his Predecessors. It is impossible therefore to trust him with Power, and be safe. *If you mean to maintain your present Possessions and Advantages, the Command of the Army and Receipt of the Revenues must be kept in your Hands*:[2] Every wish he may express to obtain either, be assured, is an Indication of his Desire to reduce you to your original State of Dependency, to which you can never return, without ceasing to exist. If you allow the Nabob to have Forces, he will soon raise Money; if you allow him a full Treasury without Forces, he will certainly make use of it to invite the Mahrattas, or other Powers, to invade the country upon a supposition that we shall not suspect the Part he takes, and that Success will restore him to the full Extent of his Sovereignty'. 'Such is he', Clive concluded, 'whom we now call Nabob, and such are the faithless Politics of Indostan. We have adopted however a Plan, which, if strictly adhered to, must effectually prevent his involving the Company, or himself in any difficulties: Mahomed Reza Cawn, Roy Dullub, and Juggut Seat, Men of the most approved Credit and Moderation, are appointed jointly to the Management of all his Affairs, nor is either of them to act singly in any Measure of Government. The Royal Treasury is under Three different Locks and Keys, and each of these Ministers of State has a Key, so that no Money can be issued for any service whatever, without the joint Knowledge and Consent of them all. Our Resident at the Durbar is to inspect the Treasury Accounts from Time to Time, as he or the Governor and Council may

[1] I.e., Nazm-ud-Dowla.

[2] The italics are ours.

think proper: But we are never to interfere in the Appointment or Complaint of any Officer under the Government, nor in any Particulars relative to the abovementioned Departments, unless some extraordinary Conduct of the Ministry should render Alteration requisite. This Form of Government I thought proper to recommend, in order to purge the Court of a Set of Knaves and Parasites by whom the Nabob was surrounded, and who were always undermining our Influence, that they might the more firmly establish their own. So far you will observe we have exerted ourselves in the Arrangement of the Nabob's Affairs; but it is a Measure of the utmost Consequence, since it lays the foundation of that Tranquillity, Moderation and Regularity which will support the Government against any future Attempts to a Revolution; and we are determined to interest ourselves at the City (i.e., Moorshedabad) in no other Respect. I need only add, that Mr Sykes, for whom we intend the Residentship, is a Gentleman from whose inflexible Integrity, and long Experience in the Country Politics, we have Reason to expect the most exact Performance of every Duty in such an important station'.[1]

In another letter[2] to the Court, dated at Calcutta 28th November, 1765, Clive stated: 'I can now with the greatest pleasure inform you that the state of the Treasury is such and the Revenues of the Country since the acquisition of the Dewaunee have flowed in so fast that we shall not through necessity draw upon you for a rupee although we have determined to send £300,000 this year to China'.

In its letter, dated at Fort William 30th September, 1765, the Select Committee wrote to the Court that the perpetual

[1] Further: 'The Regulation of the Nabob's Ministry, the Acquisition of the Dewannee, and the honourable Terms on which we have conducted a Peace with the Vizier of the Empire, have placed the Dignity and Advantages of the English East India Company on a Basis, more firm than our most sanguine wishes could a few Months ago have suggested'.—See Clive's letter to the Court, dated at Calcutta 30th September, 1765.

[2] See Clive's letter to the Court of Directors, dated at Calcutta 28th November, 1765.

struggles for superiority between the Nawabs of Bengal and the agents of the Company, 'together with the recent[1] Proofs' before it 'of notorious and avowed Corruption', had rendered it 'unanimously of Opinion, after the most mature Deliberation', that no other method could be 'suggested of laying the Ax (*sic*) to the Root of all those Evils, than that of obtaining the Dewanny of Bengal, Bahar, and Orissa, for the Company'[2]. 'By this Acquisition of the Dewanny', the Committee continued, 'your Possessions and Influence are rendered permanent and secure, since no future Nabob will either have Power, or Riches sufficient to attempt your Overthrow by Means either of Force or Corruption. All Revolutions must henceforward be at an End, as there will be no Fund for Secret

[1] Obviously the reference here is to the extortion of 'presents' by the deputation, consisting of Messrs Johnstone, Senior, Middleton, and Leycester, which had been, as we have seen before (see pages 38-39 *ante*), appointed by the Council at Fort William 'to raise the natural son (Nazm-ud-Dowla) of the deceased Nabob (Meer Jaffier) to the Subahdarry, in prejudice to the claim of his grandson', on the occasion of placing him (i e., Nazm-ud-Dowla) on the Musnud of Bengal.—See the Select Committee's letter to the Court, dated at Fort William 30th September 1765.

'Juggutseat expressly declares in his narrative, that the sum which he agreed to pay the deputation, amounting to 1,25,000 rupees, was extorted by menaces; and since the close of our enquiry . . . . it fully appears, that the *presents* from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of seventeen lacks, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister'.—See *ibid.*

We also find in the evidence of Mr. Harry Verelst (once President and Governor of Bengal), given before a Select Committee of the House of Commons: 'And being asked, whether he (Verelst) thought the Presents from Mahomed Reza Cawn, and the Nabob, were obtained from them against their Consent? he said, He must declare, as an honest man, that he believed they were'.—See *the Third Report of the Select Committee of the House of Commons, 8th April, 1773.*

Also see page 15, foot-note 4.

[2] The Committee also stated in this connexion: 'By establishing the Power of the Great Mogul, we have likewise established his Rights; and his Majesty, from Principles of Gratitude, of Equity, and of Policy, has thought proper to bestow this important Employment on the Company, the Nature of which is, the collecting all the Revenues and after defraying the Expences of the Army, and allowing a sufficient Fund for the Support of the Nizamut, to remit the Remainder to Delhi, or wherever the King shall reside or direct'.—See the Committee's letter to the Court, dated at Fort William 30th September, 1765.

Services, for Donations or for Restitutions. The Nabob cannot answer the Expectations of the Venal and mercenary, nor will the Company comply with Demands injurious to themselves, out of their own Revenues'. 'The Experience of Years has convinced us', the Committee further remarked,[1] 'that a Division of Power is impossible without generating Discontent and hazarding the Whole. All must belong either to the Company or to the Nabob, and we leave you to judge which Alternative is the most desirable and the most expedient in the present Circumstances of Affairs. As to ourselves, we know of no System we could adopt, that would less affect the Nabob's Dignity, and at the same Time secure the Company against the fatal Effects of future Revolutions, than this of the Dewanny. The Power is now lodged where it can only be lodged with Safety to us; so that we may pronounce with some Degree of Confidence that the worst that will happen in future to the Company, will proceed from temporary Ravages only, which can never become so general as to prevent your Revenues from yielding a sufficient Fund to defray your Civil and Military Charges, and furnish your Investments'.

Again, referring in its letter[2] to the Court, dated at Calcutta 31st January, 1766, to its dispatches[3] by the *Admiral*

[1] See the Select Committee's letter to the Court, dated at Fort William 30th September, 1765.

In a supplement to this letter, dated at Fort William 1st October, 1765, the Select Committee observed, among other things, that Mr Sykes had exerted his utmost diligence in procuring an exact estimate of the amount of the revenues of the Nabob's dominions, of which the Company was 'not only the Collectors but the Proprietors'; and that it could then only affirm that the acquisition of the Diwani and the Agreement with the Nawab (see page 6 *ante*) would necessarily 'turn out a prodigious Increase' of the Company's revenues and, at the same time, conduce to the stability of its power and influence.

(It may be noted here incidentally that both the original letter of 30th September, 1765, and the Supplement thereto of 1st October, 1765, were received in England by the *Admiral Stevens* on 19th April, 1766.)

[2] See the Select Committee's letter to the Court of Directors, dated at Calcutta 31st January, 1766.

[3] The Select Committee sent to the Court by the *Admiral Stevens* not only its letter of 30th September, 1765, but also its relevant Proceedings down to that date.

Stevens, the Select Committee said that the conjectures it had then formed with respect to the system which it had found it necessary to adopt, had, in the event, corresponded to its 'warmest expectations', and that it was with extreme satisfaction that it could assure the Court that a happy prospect was daily opening before its 'view of security and opulence to the Company'. 'Money flowing[1] into your Treasury, contentment expressed by the Country Government and peace deffusing (*sic*) her blessings throughout every district of the Nabob's Dominions are to us', the Committee further said, 'the most pleasing testimonies of the rectitude of the measures we pursued when the late grants were obtained'. And

[1] The following figures will indicate the gradual growth of the net (i.e., 'clear of charges of collection, commission to the Company's servants, stipends and Jaghire') amount of the territorial revenues* of the Company derived from Bengal and, later on, also from Bihar :—

May to April		Lst.
1761–1762	...	677832
1762–1763	...	635199
1763–1764	...	631416
1764–1765	...	606132
1765–1766	...	1681427
1766–1767	...	2550094
1767–1768	...	2451255
1768–1769	...	2402191
1769–1770	...	2118294
1770–1771	...	2009988
1771–1772	...	2380165

From 1761–62 to 1764–65 the territorial revenues of the Company in Bengal were derived from Calcutta, Twenty-four Parganas, Burdwan, Midnapore, and Chittagong. But from 1765–66 they were derived from these areas as well as from the Diwani lands. As a matter of fact, the major portion of the territorial revenues after the grant of the Diwani was derived from the Diwani lands.

* In 1766–67, 1767–68, 1769–70, 1770–71, and in 1771 72 the territorial revenues included a small amount of revenue derived from duties on salt and betelnut. For instances, the revenue derived from these duties was £2812 in 1770–71 and £10125 in 1771–72. In 1766–67, 1767–68 and in 1769–70 it had been £22500, £92250 and £28926 respectively.

See *Further Report from the Committee of Secrecy appointed by the House of Commons to enquire into the state of the East India Company, 1773*; *the Fifth Report from the same Committee*, 1773; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Appendix A.

with reference to the Diwani itself, the Committee wrote to the Court in the same letter[1] :

'The more we reflect on the situation of your affairs the stronger appear the reasons for accepting the Dewannee of these Provinces *by which alone we could establish a power sufficient to perpetuate the possessions we hold and the influence we enjoy*[2]—While the Nabob acted in quality of Collector for the Mogul the means of supporting our Military Establishment depended upon his pleasure—In the most critical situations while we stood balancing on the extreme border of destruction his stipulated payments were slow and deficient—The Revenues were often withheld by disaffected Rajahs and turbulent Zemindars, who despised the weekness (*sic*) of his government; or they were squandered in profusion or dissipated in corruption the neverfailing symptoms of a declining Constitution and feeble administration: whence we were frequently disappointed of those supplies upon the punctual receipt of which depended the very existence of the Company in Bengal'.[3] And alluding to 'the net balance amounting to 212 Laaks of Sicca Rupees' (or '2862000 pounds

[1] I.e., the Select Committee's letter to the Court, dated at Calcutta 31st January, 1766.

[2] The italics are ours.

[3] The Committee also said that it could not indeed look back without horror upon that desperate crisis to which the affairs of the Company had been reduced when a mutinous spirit had prevailed among its troops, and when dissensions had distracted Consultations at Fort William and a powerful enemy had been invading 'the Provinces to seize and desolate' the possessions of the Company and probably to extirpate its servants. 'To us', continuing, the Committee said, 'it evidently appears *there remained but the alternative to advance as we have done, and grasp at the whole power*, or to shrink back into our primitive condition of simple merchants, to abandon our possessions, disband our forces, and rest our future hopes on the clemency of Princes who will not easily forget or forgive the superiority we have so long maintained—In a word this last measure was in itself impracticable for we must observe, although with much regret, *that the misconduct of individuals, hath rendered the English name so odious, that we are no longer secure than while our hands are armed for the defence of our lives and property*'. See the Committee's letter to the Court, dated at Calcutta 31st January, 1766.

The italics are ours.

The obvious implication of what is given above is that the acquisition of the Diwani would strengthen the position of the Company in Bengal in every way.

sterling'), which was, according to its estimate likely to accrue to the Company as the revenue from its Diwani lands[1] alone, the Select Committee said[2] that this balance would be 'abundantly sufficient to supply' the Company's 'China Trade', to provide for its 'own Investment' here and to 'defray all the Expences' of the Company's 'Civil and Military Establishments'. Further[3], 'whatever surplus may remain in the Treasury after the stipends to the King and Nabob are discharged and all other more immediate demands are answered; this, together with the Revenues of Burdwan Etc[4] shall then be applied to relieve the wants of the other Presidencies, to pay off your[5] (i.e., the Company's) Bonds and to such other purposes as may appear to us most conducive to your Interest'.

It was more or less in the same strain that the Select Committee wrote[6] to the Court on 8th September, 1766: 'It was in the prosecution of our plan of giving permanency to your Influence, that obtained from the King a grant of the Dewanny and with the same View we entered into an agreement with the Nabob, the consequences of which are that the Revenues of the three provinces[7] being now entirely under our Direction, We no longer depend for the support of our Military Establishment on the Subah's[8] bounty'.

Again, at the last meeting of the Select Committee over which he presided—we mean the meeting held at Fort William on 16th January, 1767—Clive, 'agreeably to the Expectations of the Court of Directors', laid[9] before his colleagues on the Committee 'that system of Politics'

[1] I.e., excluding Burdwan, Midnapore, Chittagong, Calcutta and the Twenty-four Parganas.

[2] See the Select Committee's letter to the Court, dated at Calcutta 31st January, 1766.

[3] See *ibid*.

[4] I.e., Midnapore and Chittagong and the Company's Zemindary lands of Calcutta and the Twenty-four Parganas.

[5] Court of Directors' (i.e., the Company's).

[6] See the Select Committee's letter to the Court, dated at Fort William 8th September, 1766.

[7] I.e., Bengal, Bihar, and Orissa.

[8] I.e., the Nawab's.

[9] See Clive's letter in the Proceedings of the meeting of the Select Committee, held at Fort William on 16th January, 1767.

which, in his opinion, was to be preserved after he 'resigned the important charge of the Company's Affairs in Bengal'. He hoped, however, that they would consider the 'substance' of what he would say, 'not as an Instruction, but rather as a Refreshment' to their 'Memory of the great outlines of Government' which he had drawn up for his own guidance, and 'which the most mature Deliberation, as well as success' emboldened him to recommend to their 'future Notice'. 'The first point in Politics,' he said, 'which I offer to your Consideration, is the Form of Government. We are sensible, that *since the acquisition of the Dewanny, the Power formerly belonging to the Soubah of these Provinces is totally in Fact vested in the East India Company. Nothing remains to him, but the Name and Shadow*[1] *of*

[1] As will appear from the following extract from Clive's letter, dated at Madras 17th April, 1765, to Mr Thomas Rous, who had been elected Chairman of the Court of Directors in April, 1764, this is what Clive had had in his mind even before the acquisition of the Diwani by the Company :—

'We have at last arrived at that Critical Period, which I have long foreseen ; *I mean that Period which renders it necessary for us to determine, whether we can or shall take the Whole to ourselves.* Jaffier Ally Kan is dead, and his Natural Son is a Minor ; but I know not whether he is yet declared Successor. Sujah Dowla is beat from his Dominion ; we are in Possession of it, and it is scarcely Hyperbole to say, *To-morrow the whole Mogul Empire is in our Power.** The Inhabitants of the Country, we know by long Experience, have no Attachment to any Obligation ; their Forces are neither disciplined, commanded, nor paid, as ours are. Can it then be doubted that a large Army of Europeans will effectually preserve us Sovereigns, not only holding in Awe the Attempts of any Country Prince, but by rendering us so truly formidable, that no French, Dutch, or other Enemy, will presume to molest us. You will I am sure imagine with me, that after the Length we have run, the Princes of Indostan must conclude our views to be boundless ; they have seen such Instances of our Ambition, that they cannot suppose us capable of Moderation. The very Nabobs whom we might support, would be either Covetous of our Possessions, or jealous of our Power. Ambition, Fear, Avarice, would be daily watching to destroy us ; a Victory would be but a temporary Relief to us, for the dethroning of the first Nabob would be followed by setting up another, who, from the same Principles, would, when his Treasure admitted of his keeping up an Army, pursue the very Path of his Predecessor. *We must indeed become Nabobs ourselves in Fact, if not in Name, perhaps totally so without disguise. . . .*'—See the Third Report of the Select Committee of the House of Commons, dated 8th April, 1773, Appendix No. 82. (The italics are ours.)

(*In the copy of this letter as given by Sir George Forrest in his *Life of Lord Clive* (Vol. II, pp. 256-8), the relevant clause

Authority.[1] This Name however, this Shadow, it is indispensably necessary we should seem to venerate. Every Mark of Distinction and Respect, must be shown him, and He himself encouraged to shew his Resentment upon the least want of Respect from other Nations '.

'Under the sanction of a Soubah ', Clive continued, 'every Encroachment that may be attempted by Foreign Powers, can effectually be crushed, without any apparent Interposition of our own Authority, and all real Grievances, complained of by them, can, thro' the same channel, be examined into and redressed '. 'Be it therefore always remembered,' he emphasized, 'that there is a Soubah; that we have allotted him a Stipend which must be regularly paid, in support of his Dignity; and that though the Revenues belong to the Company, the territorial Jurisdiction must still rest in the chiefs of the country acting under Him and this Presidency in Cojunction '. So far as the actual collection of revenues was concerned, Clive gave a warning as follows: 'To appoint the Company's servants to the offices of Collectors, or indeed to do any act, by an Exertion of the English Power, which can equally be done by the *Nabob at our Instance, would be throwing off the mask,—would be declaring the Company Soubah of the Provinces.*[2] Foreign Nations would

runs: 'and it is scarcely an Hyperbole to say that the whole Mogul Empire is in our hands '. There are one or two more verbal differences in the copy as given by him.)

Also in a letter, dated (The Great Ganges) 11th July, 1765, Clive wrote to Mr Sumner and Gentlemen of the Select Committee at Fort William :—' *The true and only Security for our Commerce and territorial Possessions in this Country, is, in a Manner, to always have it in our Power to overawe the very Nabob we are bound by Treaty to support*; a Maxim contrary to this has of late been too much adopted; and from that fundamental Error, as I must call it, has sprung the innumerable Evils, or at least Deficiencies, in our Government; which, I have now the Pleasure to inform you, are in a fair Way of being perfectly removed '.—See the Third Report of the Select Committee of the House of Commons, dated 8th April, 1773, Appendix No. 87. (The italics are ours.)

This was presumably the object which induced Clive to persuade the young Nawab Nazm-ud-Dowla to be satisfied with the financial arrangements to which reference has been made before (see pages 6-12 *ante*).

[1] The italics are ours.

[2] The italics are ours.

immediately take umbrage, and Complaints preferred to the British Court might be attended with very embarrassing Consequences. Nor can it be supposed that either the French, Dutch, or Danes would readily acknowledge the Company's Soubaship, and pay into the Hands of their Servants the Duties upon Trade, or the Quit Rents of those Districts which they may have long been possessed of by virtue of the Royal Firmaund, or Grants from former Nabobs'. 'In short', concluded Clive, 'the present Form of Government, will not, in my opinion, admit of variation: The Distinction between the Company and the Nabob must be carefully maintained, and every Measure, wherein the Country Government shall even seem to be concerned, must be carried on in the Name of the Nabob, and by his Authority. In short, I would have all the Company's Servants, the Supravisors excepted, confined entirely to commercial matters only, upon the Plan laid down in the Time of Aliverdi Cawn'.

At the next meeting of the Select Committee held at Fort William on 5th February, 1767, Mr Harry Verelst, the new President and Governor, declared in the course of a minute laid before the meeting, that Lord Clive had, in his letter[1] to the Committee, been 'so very explicit on the present state of Affairs', and had 'fixt on so judicious and so wise a Plan of Politics', that he considered it his duty 'to recommend in the most earnest Manner' the strict adherence of the Committee thereto; that he was convinced that that was 'a Plan the best calculated to ensure stability to the affairs of the Company, etc.'; and that, although His Lordship was no longer present to assist the Committee in those salutary measures for the welfare of the Company, yet the legacy he had left to it would serve as a guide for its 'future conduct, in the weighty and important Concerns of this Government'.

Court's approval of the acquisition of the Diwani.

On the 19th of April, 1766, the Court of Directors received Lord Clive's letter of 30th September, 1765, as well as the letter of the Select Committee, of the same date. And, with

[1] See foot-note 9 on page 83.

reference to 'the great and important Affair of the Dewaunee', it wrote to the Committee on 17th May, 1766,[1] in reply:

'When we consider that the Barrier of the Country Government was entirely broke down, and every Englishman throughout the Country armed with an Authority that owed no Superior, and exercising his Power to the Oppression of the helpless Native, who knew not whom to obey; *at such a Crisis*[2], *we cannot hesitate to approve Your obtaining the Dewaunee for the Company*'[3].

The Select Committee noted 'with extreme satisfaction' that the Court had agreed with it 'in opinion respecting the Expediency of the Royal Grant of the Dewanny'. And in its

[1] See the Court's letter to the President and Select Committee at Fort William, dated 17th May, 1766.

[2] Also :—

'When we look back to the System that Lord Clive and the Gentlemen of the Select Committee found established, it presents to us a Souba disarmed, with a Revenue of almost Two Millions Sterling (for so much seems to have been left, exclusive of our Demands on him) at the Mercy of our Servants, who had adopted an unheard-of ruinous Principle, of an Interest distinct from the Company: This Principle shewed itself in laying their Hands upon every Thing they did not deem the Company's Property.

'In the Province of Burdwan, the Resident and his Council took an annual Stipend of near Eighty Thousand Rupees per Annum, from the Rajah, in Addition to the Company's Salary. This stands on the Burdwan accounts, and we fear was not the Whole; for we apprehend it went further, and that they carried this pernicious Principle, even to the Sharing with Rajah of all he collected beyond the stipulated Mulguzurry, or land-revenue, overlooking the Point of Duty to the Company, to whom properly every Thing belonged that was not necessary for the Rajah's Support. It has been the Principle too on which our Servants have falsely endeavoured to gloss over the Crime of their Proceedings, on the Accession of the present Souba, and we fear would have been soon extended to the grasping the greatest Share of that Part of the Nabob's Revenues which was not allotted to the Company. In short, this Principle was directly undermining the whole Fabric; for whilst the Company were sinking under the Burthen of the War, our Servants were enriching themselves from those very Funds that ought to have supported War. *But to Lord Clive and our Select Committee we owe, that the Company are at last considered as Principals in the Advantages as well as Dangers.*'—See *ibid*.

The italics are ours.

The implication of the last sentence quoted above, is that its acquisition of the Diwani would enable the Company to be considered as 'Principals in the Advantages as well as Dangers'.

[3] The italics are ours.

letter, dated at Fort William 24th January, 1767, the Committee again wrote to it that the necessity and utility of this grant were becoming more and more evident every day. 'All cause of contention with the (Nawab's) Govt.', the Committee said, 'is now removed—Security to the Property Freedom to the Trade and protection to the persons of the natural (native ?), Inhabitants are insured—Funds for the Provision of your Investments for the maintenance of your Troops and for the necessities of War are Established—Influence to command respect is acquired and *we may in our present circumstances be regarded as the spring which concealed under the shadow of the Nabob's name secretly gives motion to this vast machine of Government*[1], without offering violence to the original constitution an increase of our own and diminution of his power are effected without encroachment on his Prerogative—The Nabob holds in his hands as he always did the whole civil administration, the distribution of Justice, the disposal of Offices and all those sovereign rights which constitute the essence of his dignity and form the most convenient Barrier between us and the Jealousy of the other European Settlements'.

It is true that the Nawab continued to hold in his hands, as he had always done before, 'the whole civil administration' etc., in his territories. But the Company was 'the spring which concealed under the shadow of the Nabob's name secretly' gave 'motion' to the 'vast machine of Government'. Indeed, it is clear from what has been shown before—and particularly from what Clive stated[2] to his Select Committee on 16th January, 1767—that, as a cumulative result of its Treaty with the Nawab Nazm-ud-Dowla, its Agreement with him in regard to financial arrangements between them, and its acquisition of the Diwani of the Provinces of Bengal, Bihar and Orissa, the Nawab gradually became a mere stipend-enjoying figure-head, 'a pensioner of state', [3] a rubber-stamp for the use of the Company's agents

Nawab, a figure-head.

[1] The italics are ours. [2] See pages 83–86 *ante*.

[3] As Harington has said, 'From this period (i.e., from after its acquisition of the Diwani and its *Agreement* with the Nawab) the Nazim of Bengal, though, from motives of justice and expediency, allowed to retain the name, and in some measure the dignities, of his

in Bengal. He was, as Mr Wheeler has said, 'treated with outward respect, but only as a pageant'.[1] This was as much true of Nawab Nazm-ud-Dowla as of his successors in office.

Drain of the wealth of Bengal and Bihar.

As we have seen before, since the acquisition of the Diwani and the Agreement with the Nawab of Bengal, the Company had become, to quote an expression used by the Select Committee[2] at Fort William, 'both the Collectors and Proprietors' of the revenues derived from the Diwani lands. This led to a heavy drain of the wealth of Bengal (and also of Bihar), partly due 'to the too eager desire of parliament'[3] to participate[4], on behalf of the British nation, in the advantages arising from the Company's 'territorial acquisitions and

office, can be regarded only *as a pensioner of state*.—See J. H. Harington, *An Analysis of the Laws and Regulations enacted by the Governor General in Council at Fort William*, etc., Vol. I, 1821, p. 4.

Also :—'From this time (1766), the functions of nazim, as well as of dewan, were ostensibly exercised by the British government, the latter, in virtue of the grant from the Emperor, and the former through the influence possessed over the naib or deputy ; the nawab nazim himself having submitted to become *virtually a pensioner of the state*'. See the *Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company*, 1812.

The italics are ours.

[1] See J. Talboys Wheeler, *Early Records of British India*, 1879, pp. 354–56.

'Probably', writes Mr Wheeler further, 'he (i.e., the Nawab Nazim of Bengal) exercised less power outside Murshedabad than one of the Company's native servants. The English provided for the military defence of Bengal, concluded treaties, and made ready for war without the slightest reference to the King (i.e., the Mughal Emperor) or Nawab Nazim . . . . . The sham of a Nawab's government was called the Nizamut. The English were the real sovereigns, but everything was done in the name of the Nizamut'.—See *ibid.*

Also Macaulay (*Warren Hastings*) : 'He (i.e., the Nawab) lived at Moorshedabad, surrounded by princely magnificence. He was approached with outward marks of reverence, and his name was used in public instruments. But in the government of the country he had less real share than the youngest writer or cadet in the Company's service'. See *The Complete Works of Lord Macaulay* (Longmans), Vol. IX, p. 422.

[2] See the Proceedings of the Select Committee, Fort William, of 5th October, 1765.

[3] See Verelst, *A View of the English Government in Bengal*, 1772, p. 84. Also see in this connexion the next foot-note.

[4] See the Company's General Letter to Bengal, dated 20th November, 1767, para 55.

Also see in this connexion the Proceedings (1767) in the House of Commons and in the House of Lords on the East India Company's

Revenues lately obtained in the East Indies', as a result of which the Company was required to pay to the State an annual tribute[1] of £400,000 from 1st February, 1767[2]; and partly

Dividends' Bill. It appears from these Proceedings that not only had a doubt been raised concerning the right of the Company to the territories acquired in India, but it had been seriously argued by the advocates for the Bill that the right to the territorial acquisitions in the East Indies 'was not lodged in the Company, but in the public'. Curiously enough, although the Company protested against this argument, yet it appears from the Petition which it presented to the House of Commons on 20th May, 1767, that it was very desirous of sharing with the public 'the benefits arising from the acquisitions and revenues, lately obtained in India'. This will be clear from the following extracts from the said Petition :—

'That the petitioners, being duly sensible of the great obligation they lie under to government, and that their interests are, and must ever be, inseparable from those of the state, are most earnestly desirous that the public, and the East India Company should mutually reap the benefits arising from the acquisitions and revenues, lately obtained in India . . . .

'If it should be the opinion of the House, that it will be the more beneficial for the public to enjoy a specific sum . . . . . the petitioners proposed to pay . . . . . . 400000 *l.* per annum for three years, by half yearly payments. . . . . .'

For further details see the Proceedings referred to above, in *The Parliamentary History of England from the Earliest Period to the Year 1803, Vol. XVI*, A.D. 1765–1771 (printed by T. C. Hansard, 1813), pp. 342–59.

[1] 'Thus', says Sir Courtenay Ilbert (*The Government of India*, 3rd Edition, 1916, p. 39), 'the State claimed its share of the Indian spoil'.

[2] See 7 George III, Cap. LVII.

Under this Act the sum of £400,000 per annum was to be paid by the Company to His Majesty's Exchequer, 'for and during the term of two years, to be computed from the 1st of February, 1767, by half-yearly payments of two hundred thousand pounds each;' and in consideration of this, 'all the ....territorial acquisitions and Revenues, lately obtained' by the Company in the East Indies, were to remain in its possession (or in the possession of its successors) during the said term of two years.

(See in this connexion *The Parliamentary History of England from the Earliest Period to the Year 1803, Vol. XVI*, Hansard, 1813, pp. 342-59.)

This temporary agreement for two years was renewed by a subsequent Act (9 George III, Cap. XXIV) for a period of five years to be computed from the 1st day of February, 1769. This Act also empowered the Company to increase the rate of dividend payable to its shareholders upto 12½ per cent per annum on certain conditions. One of them was that any such increase in the dividend 'shall not in any one year, during the said term of 5 years, exceed' 1 per cent. Further, it provided that if, during the said term of 5 years, the Company reduced its rate of dividend, the sum payable by it to the State was 'to be reduced likewise'; but that if it raised the rate of

due to the anxiety 'of the proprietors[1] of India stock, to derive immoderate[2] advantage' from those acquisitions and

dividend again, its payment to the State was 'to be made accordingly'. Moreover, if the Company ever reduced the dividend 'to or under the rate of six Pounds per Centum per Annum', then it was not to pay anything to the State during the continuance of such reduction. For further details, see 9 George III, Cap. XXIV.

[1] See Verelst, *A View of the English Government in Bengal*, p. 84.

[2] This will be evident from the changes shown below, which the General Court of Proprietors of the Company made from time to time, from after the grant of the Diwani, in the rate of the dividend payable to its shareholders :—

On November 26th, 1755, the General Court resolved, on the unanimous recommendation of the Court of Directors, of 12th November, 1755, that the rate of the dividend from the following Christmas should be reduced from eight to six per cent. per annum. On 24th September, 1766, it was moved in the General Court that 'the dividend for the half-year, from Christmas next to Midsummer following, should be five per cent'. This motion was carried on 26th September on a ballot being taken, although it was 'repugnant to the sentiments of the Court of Directors'. On 6th May, 1767, the General Court decided that 'the dividend for the half-year, from Midsummer to Christmas next' should be 'six and a quarter per cent. without any matter offered in that behalf from the Court of Directors'. On the other hand, on the 8th of the same month the Court of Directors desired the General Court to reconsider this decision.

This rate of dividend having been afterwards rescinded by an Act of Parliament, the General Court resolved, on 25th September, 1767, by ballot, 'that the dividend for the half-year, from Midsummer last to Christmas next' should 'be five per cent'. No recommendation concerning such dividend had previously been made by any Committee to the Court of Directors, or by the Court of Directors to the General Court.

On 25th March, 1768, the General Court again 'resolved in like manner', without any report from the Court of Directors 'that the dividend for the half-year, from Christmas last to Midsummer next' should be five per cent. On 30th September, 1768, it 'resolved by the ballot, that the dividend for the half-year from Midsummer last to Christmas next' should be five per cent., again, without any report from the Court of Directors. On 29th March, 1769, it resolved by ballot that the dividend for the half year 'from Christmas last to Midsummer next' should be five and a half per cent. This was done on a 'verbal report from the Chairman to the General Court', held on the 22nd of the same month, that 'one of the propositions which had been lately accepted by Parliament provided, that the Company should be at liberty to increase their dividend to twelve and a half per cent. during the term of five years, so as not to exceed one per cent. in any one year'.

On 28th September, 1769, the General Court resolved by ballot that the dividend for the half year 'from Midsummer last to Christmas next' should be five and a half per cent. There had been no recommendation by the Court of Directors on the subject.

On 26th March, 1770, however, the General Court resolved, on a recommendation of the Court of Directors, of 23rd February, 1770,

revenues. 'Each year', writes Mr Verelst,[1] 'brought orders from Europe to enlarge the company's investment,[2] while complaints were at the same time received of the increasing price of manufactures, which a competition between the French, Dutch, and English, necessarily occasioned'. Thus, apart from the drain of the wealth of Bengal and Bihar, caused by the payment of the tribute to the Mughal Emperor, and by the cost of the British army stationed at Allahabad on the requisition of the Emperor, annually amounting 'to upwards of 20 Lacks of Rupees from

that the dividend for the half-year 'from Christmas last to Midsummer next' should be six per cent. On 26th September, 1770, it decided, on a recommendation of the Court of Directors, of the same date, that the dividend 'for the half-year from Midsummer last to Christmas next' should be six per cent. Next year, it raised the dividend a little further. On 25th March, 1771, it resolved, also on a recommendation of the Court of Directors, of the 14th of the same month, that the dividend for the half-year 'from Christmas last to Midsummer next', should be six and a quarter per cent. And on 25th September, 1771, it decided, again on a recommendation of the Court of Directors of the same date, to pay the same dividend for the half-year 'from Midsummer last to Christmas next'. Finally, on March 18th, 1772, the General Court, resolved, on a recommendation from the Court of Directors, dated 17th March, 1772, that the dividend for the half year, 'from Christmas last to Midsummer next', should be six and a quarter per cent.

Thus the General Court of Proprietors varied the rate of dividend which had been only six per cent. per annum before the Christmas of 1766, between ten per cent. and twelve and a half per cent. per annum. Meanwhile, the Company had been faced with a crisis in its financial affairs, and, therefore, on a recommendation of the Court of Directors, of 3rd December, 1772, the General Court had to resolve, on 29th December, 1772, by ballot, that 'the dividend for the half year, to Christmas 1772', should be three per cent.

See *the Seventh Report from the Committee of Secrecy appointed by the House of Commons to enquire into the State of the East India Company, 1773, Appendix 30.*

Also see in this connexion the Proceedings (1767) of the House of Commons and of the House of Lords on the East India Company's Dividends' Bill in *The Parliamentary History of England from the Earliest Period to the Year 1803, Vol. XVI, A.D. 1765–1771* (printed by T. C. Hansard, 1813), pp. 342-59.

[1] See his '*A View of the English Government in Bengal*', p. 84.
Mr Verelst was the Governor and President of Fort William in Bengal from after the departure of Clive in January, 1767, till 24th December, 1769.

[2] This term meant the goods 'purchased for the European markets'.

the specie' of Bengal and Bihar,[1] surplus revenues derived from the Company's territorial acquisitions were utilised for financing its investments here. Moreover, they were also utilised, as we shall have an occasion to see later on, for financing its investments, and, sometimes, even its military operations[2], in its other settlements in the East Indies, such as Madras, Bombay, Bencoolen and China. This drain of Bengal's wealth used to take place in the form of supplies of bullion, Bills, and goods and stores to other settlements, and of cargoes to Europe on the Company's ships. The value of such cargoes (prime cost) gradually rose from the year 1761-1762 as shown below[3]:

Year May to April	The value of cargoes at prime cost Lst.
1761-62	356,850
1762-63	395,550
1763-64	320,077
1764-65	276,772
1765-66	437,511
1766-67	565,461
1767-68	658,341
1768-69	742,288
1769-70	633,665
1770-71	904,853

[1] See the Arzee presented to the King, on 20th December, 1768, by a Deputation (consisting of Messrs John Cartier, Richard Smith, and Claud Russell) from Fort William.

It appears from this Arzee that in three years its army stationed at Allahabad had cost the Company nearly 80 Lakhs of rupees. The whole of this amount had been 'remitted in specie from the Provinces of Bengal and Bahar' and not a single rupee had ever returned to them.—See Proceedings, Select Committee, Fort William, 25th January, 1769.

[2] E.g., it appears from the Arzee referred to in the preceding foot-note that the Company's war on the East Coast had 'required large remittances in Bengal which have been paid in Ready money to the amount of 50 Laaks of Rupees'.—See Proceedings, Select Committee, Fort William, 25th January, 1769. Also see Chap. IX.

[3] See John Hoole's (Auditor of Indian Accounts) statement of Disbursements in Bengal from May 1761 to April 1771 in the *Further Report from the Committee of Secrecy*, House of Commons, 1773.

The value of cargoes exported to Europe from aftêr the year 1764–65, as given in the Table on the preceding page, is noticeable.

The exportation of Bengal manufactures by the East India Company alone 'amounted', says Mr Verelst, 'in the year 1771, to 7,68,500 *l.* sterling, wholly purchased with the revenue of the country, and without importing a single ounce of silver'.—See Verelst, *A View of the English Government in Bengal*, p. 85.

On 30th March, 1772, Clive gave to the House of Commons the following 'account of the prime costs of the Company's investments from Bengal, for seven years preceding the acquisition of the Duannee, and for seven years subsequent, together with the number of ships employed':—

'The seven preceding years'.

		Ships	£
1758	...	3	138,000
1759	...	4	144,000
1760	...	4	292,931
1761	...	5	356,850
1762	...	6	395,550
1763	...	3	320,077
1764	...	3	276,772
		28	1,924,180

'The seven succeeding years'.

		Ships	£
1765*	...	5	437,511
1766	...	6	560,461
1767	...	6	658,341
1768	...	8	742,288
1769	...	7	633,665
1770	...	7	705,700
1771	...	7	768,500
		46	4,506,466

* (Presumably Clive meant 1765–66 and so on.)

'It appears', said Clive, 'that the public trade has increased more than double, since the acquisition of the Duannee'.—See Clive's speech in the House of Commons in connexion with the East India Judicature Bill, on 30th March, 1772, in the *Parliamentary History of England from the Earliest Period to the Year 1803*, Vol. XVII, 1771–1774, London, Hansard, 1813.

In six years from 1765-66 to 1770-71[1] the total drain[2] from Bengal amounted to £5,989,583[3] as shown below[4] :—

Supplies of bullion to the other Settlements of the Company in the East Indies	£1,284,007
Good and Stores and Bills	£ 763,457
And cargoes to Europe valued at Prime cost	£3,942,119
Total ...	£5,989,583

This drain had been anticipated by Clive. He had written about it even in his letter to the Court of Directors, dated at Calcutta 30th September, 1765. He had said therein : 'As every Nation which trades to the East Indies constantly brings out Silver, for the purchase of Merchandise in Return, and as our Revenues will, for the future, *enable us to furnish all our Investments, without any Remittance from England*[5], it seems necessary that we should, in some Degree, encourage the Trade of others, in order that this Country may be supplied by them with Bullion, to replace the Quantity we shall annually

[1] I.e., from May, 1765, to April, 1771.
[2] Including remittances to the other settlements of the Company in the East Indies and cargoes exported to Europe.
[3] Including the (now) unascertainable amount of the drain occurring between 1st May, 1765, and 12th August, 1765, i.e., the date of the grant of the Diwani to the Company.
[4] See *Further Report from the Committee of Secrecy*, House of Commons, 1773.

Mr Verelst has stated that 'in five years next succeeding the grant of the Dewany, Bengal was drained in

Supplies of bullion to the other Settlements ...	1,284,008
Goods, stores, bills, etc,. to ditto (i.e., the other Settlements)	620,337
And cargoes on our European ships	3,037,266
Total ...	4,941,611'

He obviously meant so many pounds sterling.
Verelst, *op. cit.*, p. 81.

[5] The italics are ours.

send to China, or to any other Part of the world'.[1] But other nations did not do what he had expected they would. His successor, Mr Verelst[2], has observed: 'Foreign companies. . . . bought their goods with money received from private individuals, who took bills for the amount upon the respective companies in Europe. Thus an influx of bullion, which in former times exceeded a million sterling annually, was, by the great change in our situation, effectually obstructed; while large sums were moreover exported from the circulating specie of Bengal'.[3] The drain of bullion, and in particular

[1] He also said at the meeting of the Select Committee held at Fort William on 16th January, 1767:—

'Every Nation trading to the East Indies, have usually imported silver for a Return in Commodities. The acquisition of the Dewanny, has rendered this Mode of Traffic no longer necessary for the English Company; our Investments may be furnished, our Expences civil and military paid, and a large Quantity of Bullion be annually sent to China, tho' we import not a single Dollar'.—See Proceedings, Select Committee, Fort William, 16th January, 1767.

[2] See his '*View of the English Government in Bengal*', 1772, p. 85.

In his letter to the Court of Directors, dated at Fort William 5th April, 1769, Mr Verelst had written: The revolution in 1757 in favour of Meer Jaffier 'threw such considerable sums into the hands of the Company, as to render their importing bullion for their investment unnecessary; and the large fortunes obtained, in consequence, by individuals, who were precluded the course of remittance through your cash, filled the treasures of foreign nations, in exchange for bills on their respective companies; so that, ever since the country came into our possession, they have been enabled to rival us in trade, in our own territories, with our own money.................... The restoration of Meer Jaffier (in 1763), and the grant of the Dewanny to the Company by his Majesty, rendered the fresh imports of Bullion, either by us or foreign Companies less necessary to the maintenance and prosecution of Trade, from the same original cause which had existed in 1757'.

The private European merchant also would pay his profits, at the time of his return to his native country, 'into some European Company's cash for bills; and, by this means', render 'it unnecessary for them to import bullion at a risque for the provision of their investment'.—See Mr Verelst's letter to the Court, dated at Fort William 5th April, 1769; also his letter to the Court, dated at Fort William 25th September, 1768; also his *View of the English Government*, etc., App. XXVI.

[3] We also find in the Ninth Report (1783) from the Select Committee of the House of Commons (on the Affairs of India)—

'Until the Acquisition of great Territorial Revenues by the East India Company, the Trade with India was carried on upon the common Principles of Commerce, namely, by sending out such Commodities as found a Demand in the Indian Market; and where that Demand was not adequate to the reciprocal call of the European

of silver, from these provinces certainly produced its inevitable economic consequences upon their trade and industries[1], and loudest complaints were made from all quarters about the scarcity of silver coins in them. It would perhaps be foreign to the purpose of this treatise to deal with this question in detail here. We shall only mention that in

Market for Indian Goods, by a large annual Exportation of Treasure, chiefly in Silver. In some years that Export has been as high as Six hundred and Eighty thousand Pounds Sterling. The other European countries trading to India, traded thither on the same footing. . . . . . . But at, or very soon after, the Acquisition of the Territorial Revenues to the English Company, the Period of which may be reckoned as compleated about the Year 1765, a very great Revolution took place in Commerce as well as in Dominion ; and it was a Revolution which affected the Trade of Hindostan with all other European Nations, as well as with that in whose Favour and by whose Power it was accomplished. From that Time Bullion was no longer regularly exported by the English East India Company to Bengal or any part of Hindostan ; and it was soon exported in much smaller Quantities by any other Nation. A new Way of supplying the Market of Europe, by Means of the British Power and Influence, was invented ; a Species of Trade (if such it may be called) by which it is absolutely impossible that India should not be radically and irretrievably ruined, although our Possessions there were to be ordered and governed upon Principles diametrically opposite to those which now prevail in the System and Practice of the British Company's Administration.

'*A certain Portion of the Revenues of Bengal has been for many Years set apart, to be employed in the Purchase of Goods for Exportation to England, and this is called the Investment.* The Greatness of this Investment has been the Standard by which the Merit of the Company's principal Servants has been too generally estimated ; and this main Cause of the Impoverishment of India has been generally taken as a Measure of its Wealth and Prosperity. *Numerous Fleets of large Ships, loaded with the most valuable Commodities of the East, annually arriving in England in a constant and increasing Succession, imposed upon the public Eye, and naturally gave rise to an opinion of the happy Condition and growing opulence of a Country, whose surplus Productions occupied so vast a Space in the Commercial World.* This Export from India seemed to imply also a reciprocal Supply, by which the trading Capital employed in those Productions was continually strengthened and enlarged. *But the Payment of a Tribute, and not a beneficial Commerce to that Country, wore this specious and delusive Appearance.*' Also see *The Writings and Speeches of Edmund Burke*, Vol. VIII, Bickers & Son, pp. 42–45.

The italics are ours.

[1] It should also be noted here that another cause which had contributed to the scarcity of bullion in these provinces was the loss by them of 'an immense Treasure', which Meer Cossim had carried off when he had fled away. 'From the best authorities I have been enabled to obtain here, and from the fairest calculations', writes Mr Verelst, 'it seems probable that Cossim Ally was the cause of a loss

a letter,[1] dated at Fort William 22nd February, 1768, the Council wrote to the Court :—

'The alarming prospect of a scarcity of silver has lately been the frequent subject of addresses both from the Select Committee and this board. It every day becomes more serious and after this year's supply to China part of which, even, we have been necessitated to send in gold to Madras. (*sic*) We shall be in the greatest distress for silver to carry on our investment Pardon us therefore if we take this Liberty once more to recommend this to your serious attention that some other mode of supplying China may be thought of This year we have taken measures for sending thither 24 Laacks viz,

In Gold to Madras	...	10,00,000
In Silver to Do.	...	12,00,000
In Bills to Bombay, from whence to be forwarded in Silver	...	2,00,000
		24,00,000'

And in its letter to the Court, dated at Fort William 24th March, 1768, the Select Committee also stated that the great demands which had been 'made on this Presidency for supplies of money from every quarter' had reduced the Company's 'Treasury to a very low state', and 'alarmed' the Committee 'for the consequences, which must inevitably attend such a vast Exportation from this country'. It was, it said, 'apprehensive that the very great scarcity of silver must affect' the Company's investment for the season next following, as it was with the utmost difficulty that it could 'procure sufficient for

of near five crores of rupees in jewels and specie to the country, which he either expended in drawing Sujah al Dowlah to his assistance, or carried off and secreted for his future provision'.—See Mr Verelst's letter to the Court of Directors, dated at Fort William 5th April, 1769; also his letter to the Court, dated at Fort William 25th September, 1768; also his *View of the English Government*, etc., App. XXVI. We also find in the Ninth Report (1783) from the Select Committee of the House of Commons (on the Affairs of India), 'in his Flight he (Meer Cossim) carried off an immense Treasure, which has been variously computed, but by none at less than Three Millions Sterling'.

[1] Para 11.

the immediate necessary advances for that purpose'. 'We have', the Committee further stated, 'so frequently represented to you the fatal consequences (with) which we are threatened by the great exportation of silver from hence, that we are persuaded you will leave no measure uneffected to relieve us from our approaching distressful state'.[1]

In its General Letter to the President and Council of Fort William in Bengal, dated 11th November, 1768, the Court of Directors characterised these representations from Fort William in regard to the scarcity of silver as 'speculative apprehensions'. It was, it said, some relief that the revenues in every part of these provinces continued to be paid in silver and that the 'Terror of the scarcity' seemed wholly confined to the Presidency, as no complaint of this kind appeared in any part of the letters received from the subordinate factories. In its General Letter to Bengal, dated 17th March, 1769, however, it wrote to the President and Council that it was well informed that the French, Dutch, and the Danes carried from Europe 'great quantities of silver to purchase their several Homeward cargoes'. 'You must', the Court said to them, 'take every opportunity of buying up the same for the use of our China Trade, which we hope will remove the difficulties you are under to procure silver for that purpose, as represented in your several Letters received this Season'. Further, in its General Letter to Bengal, dated 30th June, 1769, the Court wrote to the President and Council:

'Upon perusing your Select Committee's Letter of the 21 November last in which you mention your apprehensions that the great scarcity of silver will prevent the early advances to the aurungs and endanger the Investment—In case this extraordinary scarcity should continue contrary to our expectations upon the arrival of these advices, we leave it to you to judge of the propriety of making the Remittances to China, taking care the aurungs are provided with sufficient

[1] In its General Letter to Court, dated at Fort William 25th September, 1769, also, the Committee wrote about the scarcity of silver in these provinces, and its pernicious consequences on their welfare.

supplies of specie to obtain a preference of all Foreign Companies, it being our intention that the valuable Investment from Bengal should be secured by you, in the first place'.

Meanwhile, the President and Select Committee at Fort William had taken certain steps for, at least, partially solving the problem of the scarcity of silver in Bengal, Bihar and Orissa.

We find in the Proceedings of the meeting of the Select Committee held at Fort William on 23rd July, 1768, that the President (Mr Harry Verelst) had been desired by the Committee to send the following letter to the Emperor written in the Persian language:—

'It is a long Time that the scarcity of silver has been severely felt in these Countries, and as none is produced in Hindostan, the evil Effects of this scarcity have been daily increasing. Your Majesty's illustrious Predecessors to obviate all these, graciously granted a Liberty of Trade to several European nations, to the End, that by importing Bullion and Merchandize and carrying away in Return the Produce of these Countries, they might benefit your faithful subjects and themselves—For these some years past, however, from the disturbances in the Empire and from a view of saving the risk of transporting Treasure by sea for so long a Voyage, the French and Dutch and other European nations have brought little silver into these parts, and have carried on their trade chiefly by receiving money here and giving Drafts on their Companies at Home—By this means the country has been greatly impoverished, and the Circulation of Cash (deprived of their periodical supplies) is at present almost entirely stagnated. As Your Majesty's first and capital object is the Welfare and Prosperity of your People, and as this evil can be removed only by your hands I have thought it my bounden duty to represent it to your sacred Cognizance, and to request Your Majesty would issue such Orders in this matter as you of your wisdom shall think most conducive to the effectual removal of this grievance which will tend to your own glory and the happiness of your Loyal Subjects'.

Along with this letter, however, the President had also been desired to send to the Emperor the following draft of a Farman, to be issued by the latter 'to the Soubah and Government of Bengal, Bahar and Orissa' :—

'That whereas our royal Predecessors have of their transcendent Bounty to Strangers and paternal Regard for their loyal subjects, given Permission and Encouragement to diverse European Nations for Liberty of Trade, to the End that they bringing their Money and Goods to these our Dominions for the Purchase of Commodities here might benefit our subjects and advantage themselves and whereas the aforesaid European Nations have for some years neglected bringing Bullion into our Realm, and have exported large sums therefrom to the great Detriment of our Kingdom, we hereby ordain that none of these nations aforesaid, shall in future export more Goods or merchandize, than the value of the Bullion or Merchandize they bring in; nor carry any coin or Bullion out of our Kingdom, without a Perwannah from our faithful and loyal subject the Nizam (Nazim) of Bengal Bahar and Orissa, on Pain of a Forfeiture of double the Value, and all their former Priviledges and Indulgences of Trade—and we do hereby direct that a true and accurate Entry of all these Exports and Imports be made in our Buxey Bunder to pass from time to time under Our Royal Inspection'.

It is perhaps unnecessary to point out that this Farman was intended for European Companies other than the British East India Company.

Further, at its meeting held at Fort William on 29th November, 1768, the Select Committee decided, having taken 'into consideration the present great scarcity of silver and being desirous of diminishing as much as possible in future the Quantity exported for the required Payments beyond these provinces', that 'the King (i.e., the Mughal Emperor) might be prevailed on to accept of Gold Mohurs of the late Currency at a reasonable Exchange in part Payment of the Royal Tribute'. And as Messrs Cartier, Smith and Russell had previously been deputed from Fort William

'to confer with his Majesty on matters of Importance', the Committee deemed 'this a favourable opportunity for making such a proposal' to him. It, therefore, resolved 'to send up to those Gentlemen six Gold Mohrs of the Calcutta Coinage and 4 of that of Moorshedabad in order that' they might ascertain their real value at Allahabad. Finally, the Committee agreed that they (i.e., those gentlemen) should 'be desired to settle this Matter with his Majesty'.

What we have stated above will perhaps sufficiently indicate, whatever might have been the views of the Court of Directors, that a really difficult situation had been created in these provinces by the drain of silver out of them, particularly from after the acquisition of the Diwani by the Company.

Diwani and the condition of the people

We may also briefly mention here how the people of these provinces fared under the Company as Diwan. As would appear from the following extracts from a letter[1] which Mr Richard Becher, Resident at the Durbar and, therefore, a very responsible servant of the Company, wrote to the President at Fort William on 24th May, 1769, the condition of the people became much worse within a few years of the acquisition of the Diwani by the Company than what it had been before. 'It must,' wrote Mr Becher in his letter, 'give pain to an Englishman to have Reason to think that *since the Accession of the Company to the Dewannee the Condition of the people of this Country has been worse than it was before*; and yet I am afraid the fact is undoubted, and I believe has proceeded from the following Causes—the Mode of providing the Company's Investment; the Exportation of Specie instead of importing large sums annually; the strictness that has been observed in the Collections;[2] the

[1] See the Bengal Select Committee Proceedings (India Office Copies), 18th September, 1765, to 16th August, 1769 (in the Imperial Record Department, Government of India)—Proceedings of 8th July, 1769; also the author's ***Early Land Revenue System in Bengal and Bihar***, Vol. I, pp. 36–43.

Some parts of this letter have also been quoted by Dr Firminger in his ***Introduction to the Fifth Report***.

[2] Of revenues.

Endeavours of all concern'd to gain Credit by an Increase of Revenue during the Time of their being in Station, without sufficiently attending to what future consequences might be expected from such a Measure; the Errors that subsist in the Manner of making the Collections, particularly by the Employment of Aumils:[1] These appear to me the principal Causes *why this fine Country, which flourished under the most despotic and arbitrary Government, is verging towards it's Ruin while the English have really so great a share in the Administration.*'[2]

Again,[3]—

'When the English received the Grant of the Dewannee their first Consideration seems to have been the raising of as large Sums from the Country as could be collected, to answer the pressing demands from home and to defray the large Expences here. The Zemindars not being willing or able to pay the Sums required, Aumils have been sent into most of the Districts. These Aumils on their Appointment agree with the Ministers to pay a fixed Sum for the Districts they are to go to and the man that has offer'd most has generally been preferr'd. What a destructive System is this for the poor Inhabitants! the Aumils have no connection or natural Interest in the Welfare of the Country where they make the collections, nor have they any certainty of holding their places beyond the Year: the best recommendation they can have is to pay up their Kistbundies[4] punctually, to which purpose they fail not to rack the Country whenever they find they can't otherwise pay their kists and secure a handsome Sum for themselves. Uncertain in their office, and without opportunity of acquiring Money after their dismission can it be doubted that the future Welfare of the Country is not an object with them? nor is it to be expected in human nature.'

Such became the condition of the people within a few years of the acquisition of the Diwani by the Company. It

[1] See Glossary. [2] The italics are ours.

[3] See the Bengal Select Committee Proceedings (India Office Copies), 18th September, 1765, to 16th August, 1769 (in the Imperial Record Office, Government of India), Proceedings of 8th July, 1769.

[4] See Glossary.

should, however, in fairness be observed here that various ameliorative measures were adopted by the Company with a view to improving this condition of the people. As we have dealt with them in detail elsewhere,[1] we do not propose to say anything here in regard to them.

(ii)

Home Administration of Indian Affairs.

We have, in the preceding pages, described the situation in Bengal after the Royal grant of the Diwani to the East India Company. We have also, in this connexion, incidentally dealt with the position and powers of the Company at this time in relation to the Nawab of Bengal. We shall now, before proceeding further, say only a few[2] words in regard to the manner in which the affairs of the Company were administered in England.

Constitution of the Company: the General Court of Proprietors.

The constitution and privileges of the East India Company—or, to be more precise, of the United Company of Merchants of England trading to the East Indies[3]—during the period

[1] See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Chapters II-V.

[2] Because the chief object of this Volume is to describe in detail, with the help of contemporary, official manuscript records, the early (1765–74) administrative system of the East India Company *in Bengal*. Moreover, there are published works of authoritative character, dealing with the early *Home* administration of Indian affairs. For examples, we may mention Bruce's *Annals of the Honorable East India Company, Vols. I-III*, Peter Auber's *Analysis of the Constitution of the East India Company*, etc. London (1826), James Mill's *History of British India*, Vol. III (Wilson's edition), 1848, Kaye's *Administration of the East India Company*, Ilbert's *Government of India, Historical Introduction*, *The Cambridge History of India, Vol. V, Ch. IV*, and Keith's *Constitutional History of India*, 1600–1935.

[3] It is well known that there were two English East India Companies at the beginning of the eighteenth century: one, incorporated by Queen Elizabeth by a Charter, dated 31st December, 1600, was designated 'The Governor and Company of Merchants of London Trading into the East Indies'; and the other, incorporated on 5th September, 1698, by a Charter of King William III, was styled 'The English Company Trading to the East Indies'. They were also referred to as the first and the second East India Company; the Old and the New Company; and as the London and the English East India Company respectively. These two Companies had become serious rivals to each other in their East Indian trade, and this rivalry

which falls within the scope of this volume, were, under an

had naturally been proving disastrous to the interests of both. The New Company had been granted by its Charter the exclusive 'privilege of trading to and from the East Indies' (i.e., from the Cape of Good Hope to the Straits of Magellan), subject to the reservation of a concurrent right of trading to the old Company till 29th September, 1701. The latter, however, managed, with the help of an Act of Parliament (12 William III, No. XXVIII), to secure the continuance of its trading privileges as a corporation beyond this date, till the redemption by the State of the loan of two millions sterling which had been previously authorized to be raised by a Parliamentary enactment (9 and 10 William III, Cap. XLIV), and the great bulk of the subscribers to which had later on been incorporated by a Royal Charter, dated 5th September, 1698, into the New (or second) East India Company referred to above. (The redemption of the loan, however, could not take place except upon three years' notice after 29th September, 1711.) The continuance of the trading privileges of the Old Company intensified the rivalry between the two Companies. Their rivalry, however, was brought to an end in 1702 by an Indenture Tripartite, dated 22nd July, 1702, 'between Queen Anne of the first part; the Old Company of the second part; and the New Company of the third part'. This indenture was the first substantial step towards the ultimate amalgamation in 1709 of the two Companies into a United Company. One of the terms of the indenture was that the Old Company which had managed to subscribe £315,000 to the loan of two millions sterling granted to the State, and thereby obtained under the Parliamentary Act (9 and 10 William III, Cap. XLIV) the privilege of trading every year to that amount, should further 'purchase of the New Company, at par, £673,500 of their Stock', whereby its own stock would be £988,500, leaving £988,500 stock for the New Company and £23000 for separate traders. Thus the shares of the two Companies in the capital of two millions authorized by the Act of 1698 (9 and 10 William III, Cap. XLIV) was to be equalized under the indenture. Another term of this indenture was that 'in two months after the expiration of' seven years from its date, the Old Company would 'surrender their Charters . . . . into the Queen's hand', and that the Queen would 'accept of such surrender'. Further, 'from thenceforth the New Company' was 'to be called *The United Company of Merchants of England trading to the East Indies* whose affairs' were to be conducted by *its* 'own sole' Directors, *agreeably to the provisions of its Charter granted by King William III on 5th September, 1698.* The indenture also provided for some transitional arrangements for the carrying on of their East Indian trade by the two Companies during the said seven years from its date. This is how the name of the *United Company of Merchants* etc., originated.

We may add that by a deed, dated 22nd March, 1709, the Old Company surrendered its 'Charters, and Corporate Capacity' to Queen Anne, and the Queen accepted the surrender on 7th May, 1709, 'by patent under her great seal of this date'. Meanwhile, the Earl of Godolphin, the Lord High Treasurer, had, 'in pursuance of an act of the sixth year of Queen Anne' (6 Anne, Cap. XVII) given, on 29th September, 1708, an award on certain points of dispute still subsisting between the two Companies. Thus the union of the two rival Companies was actually effected in 1709 in accordance with the terms of the Indenture Tripartite previously referred to, and the provisions of the

Indenture Tripartite,[1] in essence based upon, and derived from, the Charter which King William III had granted on 5th September, 1698, to the subscribers to a loan[2] of two millions sterling to the State, incorporating them as a New East India Company[3] under the denomination of 'The English Company Trading to the East Indies'. The King had granted this Charter under the authority conferred upon him by an Act of Parliament.[4]

Under this constitution, there were two bodies for the administration of the affairs of the Company in England: a General Court of Proprietors and a Court of Directors. The supreme authority for the administration of those affairs was, however, vested in the General Court of Proprietors. Members of the Court of Directors were elected by the General Court of Proprietors from among its own members by a majority of votes. Their election was held 'on some Day or Days, Time or Times, between the Twenty-fifth Day of March and the Twenty-fifth Day of April *in each year*'. Only those persons, individuals or corporations, who would hold 'Five Hundred Pounds, or more, Share or Interest, in the

award of the Earl of Godolphin. For further details in this connexion see 9 and 10 William III, Cap. XLIV; the relevant Charters granted by King William III on 3rd and 5th September, 1698; 12 William III, No. XXVIII; the Indenture Tripartite of 22nd July, 1702; the Earl of Godolphin's award of 29th September, 1708; 'the Deed of Assignment from the Old Company to Queen Anne, of the Debts due to them in Great Britain, dated 21st March, 1709'; the 'Deed of Surrender by the Old Company to Queen Anne of their Charters, and Corporate Capacity, dated 22nd March, 1709'; the 'Grant from Queen Anne to the New Company of Foreign Debts owing to the Old Company, dated 22nd April, 1709'; the 'Queen's Acceptance of the said Surrender dated 7th May, 1709', in Russell's *Collection of Statutes concerning the Incorporation, Trade, and Commerce of the East India Company*, 1794; also the authorities referred to in the preceding foot-note.

[1] Dated 22nd July, 1702, between Queen Anne and what are known as the first and the second East India Company (incorporated on 31st December, 1600, and 5th September, 1698, respectively). Also see the preceding foot-note.

[2] The loan was authorized to be raised by an Act of Parliament (9 and 10 William III, C. XLIV).

[3] Also referred to as the second East India Company. See foot-note 3 on page 104.

[4] 9 and 10 William III, C. XLIV.

Stock of the same Company ',[1] and who would, in the case of individuals, be personally present at such an election, would each 'have and give *One Vote*, and no more'.[2] In the case of corporations such votes were given by such persons as would be 'deputed thereunto' by the corporations. Directors would hold office for one year 'and till others shall be duly chosen and sworn into their Places respectively'.[3] The General Court might by a majority of votes remove a Director 'for Mismanagement in his . . . office'.[4] And

[1] 'No Person or Persons,' declared the Charter of King William III, 'shall vote at any General Court or otherwise either for the election of a director or for the making of By-Laws, or in any other Matters relating to the Affairs or Government of the same Company who shall not have £500 stock in his, her, or their own Right, and who shall not, at the Time of holding any such General Court, take the following Oath, if required by any Member then present, having £500 stock, before Two or more of the Directors of the same Company, viz.

'I A.B. do swear, that the Sum of Five Hundred Pounds, or more, of the Capital Stock of the Body Politick, called by the Name of the English Company trading to the East Indies, doth at this Time belong to me, in my own Right, and not in Trust for any other Person or Persons whatsoever.'

(Quakers had to make a Declaration to that effect, and the Deputy of a Corporation would take a similar Oath to the best of his knowledge.)

See the Charter of King William III, dated 5th September, 1698.

[2] As will appear from the following extract from the Charter of King William III, of 5th September, 1698, this rule applied to all kinds of business of the General Court:

'No one Member of the said Company (i.e., the New East India Company) shall in any business of the Company have or give any more than One Vote, whatsoever his Share or Interest in the said Principal Stock or Fund shall be. . . .'

The word 'Member' here meant not merely an individual but also a corporation, as the case might be.

[3] As James Mill has observed, 'this important power of displacing, annually, the persons' whom it chose to act in its behalf, enabled the Court of Proprietors to exercise an effective control over the Court of Directors. See James Mill, *History of British India*, Vol. III, p. 4.

[4] For the removal of a Director two meetings of the General Court had to be held. At the first meeting the Court would 'hear and debate any complaint' that might be made against him for 'Mismanagement in his . . . office'. If he failed at this meeting to explain his conduct to the satisfaction of the majority of the members of the Court present thereat, then within ten days the General Court must meet again to decide on the question of his removal from his office, by a majority of votes. The General Court had the power of removing, if necessary, all the Directors for 'Misdemeanors (*sic*) or Abuse of their Offices', and electing others in their places.

See the Charter of King William III, dated 5th September, 1698.

if a vacancy occurred in the office of a Director due to his death, removal or avoidance of obligation,[1] the remaining Directors would call a General Court to fill the vacancy for the unexpired portion of his term of office.

The 'Directors, or the major Part of them for the time being', were required by the Charter of King William 'to summon and appoint Four General Courts at least in every year . . . one in the Month of December, another in the Month of March, another in the Month of June, and another in the Month of September'. In case of their failure to do so on any occasion, three or more of the Directors might 'summon and call a General Court'.[2] The 'Directors or the major part of them', were also required by the Charter to summon a General Court within ten days of a requisition made to that effect by at least nine duly qualified[3] proprietors. In default of their summoning the General Court, it would be lawful for the said proprietors 'to summon and hold', on ten days' notice in writing to be fixed upon the Royal Exchange in London, 'a General Court, and there to do and dispatch any Business relating to the Government or Affairs of the . . . Company'. Moreover, the Directors were empowered to 'summon General Courts to meet as often as they shall see Cause'.[4]

All questions at any meeting of the General Court were determined by a majority of votes of its members present thereat.[5] In case of an equality of votes, however, on any question, it would be decided by lot, which the Treasurer to the Company would 'cause to be prepared and drawn for that purpose'.[6] The Chairman[7] of the Court of Directors of the

[1] See page 111 *post*.
[2] 'Which shall meet and be holden in the Month next coming after the Month in which the same should have been holden upon the' Summons of the majority of the Directors'.—See the Charter of King William III, of 5th September 1698.
[3] I.e., 'Having each of them Five Hundred Pounds, or more Interest or Share of the . . . (Company's) Stock'.—*Ibid.*
[4] *Ibid.*
[5] See *ibid.*
[6] This also applied to the Court of Directors. See *ibid.*
[7] See page 112 *post*.

Company was its '*ex-officio* Chairman', and consequently presided over all meetings of its General Court.[1]

Apart from the power of electing and removing Directors, the General Court possessed the entire legislative power which the Company had acquired under King William's Charter of 5th September, 1698. Thus it had, under this Charter,[2] 'full Power . . . to make and constitute reasonable Bye-Laws, Constitutions, Orders, and Ordinances, from time to time' 'for raising an additional joint stock'; 'for apportioning profits of trade' (i.e., declaring dividends); 'for the good Government' of the Company's East Indian trade and of its 'Factors, Agents, Officers, and others concerned in the same'; and for inflicting 'reasonable Penalties and Punishments by Imprisonments, Mulcts, Fines, or Amerciaments for any Breach or Breaches thereof'. But such By-laws must not be repugnant to the laws of England. All fines, mulcts, etc., imposed under these By-laws would accrue to the Company.

At the same time, the Company had, under the Charter, the power of 'ordering, Rule and Government of' all its 'Forts, Factories, and Plantations' in the East Indies; and could 'name and appoint Governors, and officers, from Time to Time, in and for the said Forts, Factories, and Plantations', and 'remove and displace' them at its will and pleasure. And such Governors and officers might, according to its directions, 'raise, train, and muster such Military Forces' as would be necessary for the defence of those forts etc. The Crown reserved to itself, however, 'the sovereign Right, Power and Dominion over all the said Forts, Places, and Plantations'.[3]

Lastly, the Crown declared in its Charter[4] that it would, 'upon the humble Suit and Request of the . . . Company', grant to it 'such further and other Powers, Privileges,

[1] See Peter Auber, *An Analysis of the Constitution of the East India Company*, pp. 349-53; also the 'First Report from the Select Committee (House of Commons) appointed to take into consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, 1782'.

[2] Also see 9 and 10 William III, Cap. XLIV, Section LXVII.

[3] See King William's Charter of 5th September, 1698.

[4] See *ibid*.

Authorities, Matters and Things' as it might lawfully grant.[1]

The Court of Directors.

The Court of Directors consisted of twenty-four members who were, as we have said before, annually elected by the General Court of Proprietors from among its own members. Although the number of Directors was twenty-four, any thirteen of them would be sufficient to constitute a Court. This number, therefore, was the quorum for all purposes of the Court, and any action taken by any thirteen Directors would be an action of the Court.[2] No person, however, could be 'chosen a Director of the . . . Company' who would not, 'at the Time of such Choice, be a natural born subject of England or naturalised, and . . . have in his name or in his own Right, and for his use Two Thousand Pounds, or more', of the Company's stock. Nor could a Director 'continue in his office longer than the continuance of such stock in his Name and Right'. Nor, again, could a Director 'act as such' till he had taken an oath that he possessed £2,000 of the Company's stock, or, if a Quaker, made a declaration to that effect. The form of the oath was:

'I A. B. do affirm, that the Sum of Two Thousand Pounds of the Stock of the . . . Company[3] . . .. whereof I am appointed or elected to be a Director, doth at this Time belong to me in my own Right, and not in Trust for any other Person or Persons whatsoever.'

Further, every Director had to take a solemn oath for the

[1] 'And as shall be reasonably advised, and devised, by the Council (*sic*) learned of the same Company . . . . ., and . . : approved by Our Attorney, or Solicitor General, on our Behalf'.—King William's Charter of 5th September, 1698.

[2] 'For the better ordering and managing of the Affairs of the same Company,' says the Charter of King William, 'the said Directors for the Time being, *or any Thirteen or more of them*, shall and may from Time to Time, and at all convenient Times, assemble and meet together at any convenient Place or Places for the Direction and Management of the Affairs and Business of the same Company, and then and there to hold Courts of the Directors, for the Purposes aforesaid'.—See *ibid*.

[3] The expression originally was: 'The English Company trading to the East Indies'. After the union of the Old and the New Company, the expression must have been: 'The United Company of Merchants of England trading to the East Indies'.

due execution of his office, or, if a Quaker, to make a Declaration to that effect. The form of this oath was:

'I A. B. do faithfully promise, That in the Office of a Director of the . . . Company[1] . . . , I will be indifferent and equal to all Manner of Persons, and I will give my best Advice and Assistance for the Support and good Government of the . . . Company: and in the Execution of the said office of a Director I will faithfully and honestly demean myself according to the best of my Skill and Understanding.'

If a Director failed to take this oath, or to make a Declaration to that effect, as the case might be, within ten days after his election, his election would become void, and another person would be 'chosen in his place' by the General Court of Proprietors. Both 'the Oaths and Declarations' were 'administered (either) by the Chancellor of England, or Keeper of the Great Seal of England, or by the Chancellor of the Exchequer, or Chief Baron of the Court of Exchequer . . . for the Time being, . . . or by any two or more of the sworn Directors for the preceding Year', who were 'authorized and required' by the Charter of King William 'to administer the said Oath and Declaration respectively to all and every such Director and Directors from time to time accordingly'.

It may also be noted in this connexion that the Court of Directors was empowered by the Charter of King William to administer an oath to all the inferior agents and servants of the Company, 'for the faithful and due Execution of the several Places and Trusts in them reposed, in the words or to the Effect following':

'I A. B. being elected into the Office or Place of . . . to the . . . Company[2] . . . , do swear, That I will be true and faithful to the . . . Company, and will faithfully and truly execute and discharge the said Office or Place of . . . to the utmost of my Skill and Power. So help me God.'

[1] See the preceding foot-note in this connexion.
[2] See foot-note 3 on page 110.

Chairman and Deputy Chairman.

After the constitution of a new Court of Directors at the end of a year, it would, at its first meeting, elect by ballot, from among its own members, its Chairman and Deputy Chairman for the next succeeding year.[1] The Chairmen presided over 'the Courts, whether of directors or proprietors'; and they were 'the organs of official communication between the Company and other parties'.[2]

Powers of the Court.

The Court of Directors was 'the executive body' of the Company. It was empowered[3] 'to act according to such Bye-Laws, Constitutions, Orders, Rules, or Directions, as shall from Time to Time be made and given unto them by the General Court (of Proprietors) of the . . . Company'. In the absence of any such By-laws etc., it would, subject to the constitution of the Company as based upon the Act[4] of Parliament and the Royal Charter[5] previously referred to, 'direct and manage all the Affairs and Business[6] of the . . . Company'; choose and appoint its agents or servants from time to time; 'allow and pay reasonable Salaries and Allowances' to them, or 'remove or displace' them, if necessary; and generally do such other business as it would judge necessary 'for the well ordering and managing of the . . . Company and the Affairs thereof'. Lastly, it would,

[1] See Peter Auber, *Analysis of the Constitution of the East India Company*, 1826, pp. 195–200. 'At a General Court, on the 5th March, 1714, a resolution was moved and adopted,' says Peter Auber, 'that when the directors were annually chosen, the court (of directors), at their first meeting, should elect out of themselves two persons, the one to be chairman, the other deputy chairman for the whole year. On the 14th April following, being the first court day after the election, a chairman and (a) deputy chairman were chosen by the ballot, which course is now prescribed by the by-laws. From that time twenty-four directors were elected annually, and a chairman and (a) deputy chosen at the first court after the election'. See *ibid*.

[2] See James Mill, *History of British India*, Vol. III, 1848, p. 10: also Peter Auber, *Analysis* etc., 349–53.

[3] By the Charter of King William, of 5th September, 1698.

[4] I.e., 9 and 10 William III, C. XLIV.

[5] I.e., the Charter of King William, of 5th September, 1698.

[6] E.g., 'Direction of all the Voyages of or for the same Company, and the Provision of the Shipping and Merchandizes thereunto belonging, as also the Sale of the Merchandizes, Goods, and other things returned in all or any (of) the Voyages or Ships of or for the same Company, and in the transacting and handling of all other Matters and things touching and concerning the same Company.' See *ibid*.

subject to the same restriction as noted above, 'do, enjoy, perform, and execute all the Powers, Authorities, Privileges, Acts, and Things in relation to the . . . Company as fully, to all Intents and Purposes, as if the same were done by the whole Company, or by a General Court (of Proprietors) of the same'.[1]

Committees.

The Charter of King William provided for the appointment of sub-committees by the Court of Directors from among its own members, for the execution of the business of the Company. 'The term sub-committee arose', says Peter Auber,[2] 'from the meeting of the twenty-four Directors of the old or London Company having been designated, anterior to the projected union of the two Companies in 1702, a Court of Committees'.[3] This seems to be a plausible explanation. Actually, however, the term used was 'Committee' and not 'sub-committee'. There were several such Committees[4] which would be formed by the Court of Directors at its first meeting after its reconstitution at the end of a year,

[1] See the Charter of King William, of 5th September, 1698.

James Mill has observed that, although under the Constitution of the Company, the supreme power was vested in the General Court of Proprietors, all power actually centred in the Court of Directors, and that the Government of the Company was in fact an oligarchy. 'So far from meddling too much,' he has further remarked, 'the Court of Proprietors have not attended to the common affairs even sufficiently for the business of inspection; and the known principles of human nature abundantly secured that unfortunate result. To watch, to scrutinize, to inquire, is labour, and labour is pain. To confide, to take for granted that all is well, is easy, is exempt from trouble, and to the great mass of mankind, comparatively delightful. On all ordinary occasions, on all occasions which present not a powerful motive to action, the great mass of mankind are sure to be led by the soft and agreeable feeling. And if they who act have only sufficient prudence to avoid those occurrences which are calculated to rouse the people on account of whom they act, the people will allow them abundant scope to manage the common concerns in a way conformable to their own liking and advantage. It is thus that all constitutions, however democratically formed, have a tendency to become oligarchical in practice.' See James Mill, *History of British India* (Wilson's edition), 1848, Vol. III, p. 5.

[2] See his *Analysis of the Constitution*, etc., p. 182.

[3] 'Committees; i.e. Persons to whom something is committed, or intrusted'.—James Mill, *History of British India*, Vol. III, 2n.

[4] See Peter Auber, *Analysis of the Constitution*, etc., p. 182; also James Mill, *History of British India*, Vol. III, 1848, pp. 6–10.

and amongst which its business would be divided: namely, the Committee of Accounts, the Committee of Buying, the Committee of Correspondence, the Committee of Law-suits, the Committee of Shipping, the Committee of Treasury, the Committee of Warehouses, and the Committee of Private Trade. In April, 1771, a new Committee for the management and application of the Military Fund[2] instituted by Lord Clive, was added.[3] The Chairman and the Deputy Chairman of the Court of Directors were *ex-officio* members of all the Committees.[4]

Secret Committee of the Court.

There was another Committee of the Court of Directors to which we find frequent references in letters[5] from the Court

[1] According to James Mill, there were two other Committees: The Committee of the House and the Committee for preventing the growth of private trade.—See his *History of British India*, Vol. III, 1848 (Wilson's edition), pp. 8–10.

For a detailed account of the functions of the Committees of the Court of Directors, see *ibid*, pp. 6–9.

The Committee of Correspondence appears to have been the most important of all the Committees. Its business, writes James Mill, 'was more confidential, as well as extensive, than that of any of the rest. Its duties were, to study the advices from India, and to prepare answers for the inspection of the Court of Directors: To report upon the number of ships expedient for the trade of the season, and the stations proper for each: To report upon the number of servants, civil and military, in the different stations abroad; on the demand for alterations, and the applications made for leave of absence, or leave to return: All complaints of grievances, and all pecuniary demands on the Company, were decided upon in the first instance by this Committee, which nominated to all places, in the treasury, and in the secretary's, examiner's, and auditor's offices. It performed, in fact, the prime and governing business of the Company: The rest was secondary and subordinate'.—See *ibid*, pp. 6–8.

[2] This Fund had been instituted by Clive 'for the Relief and Maintenance of European officers and soldiers who shall become invalids or superannuated in the Company's service'.—See the Company's General Letter to Bengal, dated 4th January, 1771.

[3] See Peter Auber, *Analysis of the Constitution*, etc., p, 182.

[4] See James Mill, *History of British India*, Vol. III, 1848, p. 10.

[5] For examples, see Letters from the Court of Directors to the President and Council in Bengal, dated 27th April, 1757; 11th November, 1757; 1st November, 1758; 23rd November, 1759; 21st January, 1761; 8th April, 1762; 21st April, 1762; 30th December, 1763; 9th May, 1764; 26th April, 1765; 13th December, 1765; 20th November, 1767; 11th November, 1768; 15th September, 1769; 27th June, 1770; 25th April, 1771; and 10th December, 1773.

Also see the Company's General Letters to Fort St. George, dated 24th November, 1772, and 23rd December, 1774; also its Letter to (Fort) Marlborough, dated 23rd December, 1774.

to the President and Council in Bengal. This Committee was styled the Secret Committee of the Court.[1] It, like its other Committees, used to be formed by the Court from among its members, after its own reconstitution by the General Court of Proprietors at the end of a year.[2] It consisted of the Chairman of the Court of Directors, its Deputy Chairman, and some other members thereof, not less than two nor more than seven in number.[3] Any three members of the Committee would constitute a quorum. Any 'instructions, orders, and directions' which the Committee or any three members thereof might think fit to issue to any person or persons in the service of the Company in Bengal (or, for the matter of that, in the East Indies), 'must be duly observed and complied with' by them. The Committee was ordinarily empowered 'to take necessary precautions for the safety of the Outward and Homeward bound ships' of the Company, and to issue such instructions or directions relating thereto, to its agents or servants in India as it might judge proper.[4] Sometimes it also dealt with foreign affairs or matters of political character which would require secrecy.[5]

[1] Sometimes referred to also as the Committee of Secrecy.—See the letters referred to in the last foot-note.

[2] See *ibid*.

[3] Generally, the Secret Committee consisted of five persons. Occasionally, however, it consisted of four, six, seven, eight, or even nine persons. But whatever might be the exact number, it must include the Chairman of the Court of Directors and its Deputy-Chairman. See *ibid*.

We may add that later on (1780–81) the Committee of Secrecy of the Court consisted of only two persons, namely, the Chairman and the Deputy Chairman of the Court. The Committee would be formed as before by the Court itself.—See the General Letters from the Court to Bengal, dated 11th January, 1781, and 31st May, 1781; also the Company's additional General Letter to Bengal, dated 5th July, 1780; also its General Letter to Fort St. George, dated 11th January, 1781.

[4] See the letters referred to in foot-note 5 on page 114.

[5] For instance, we find in the General Letter from the Court of Directors to the President and Council in Bengal, dated 25th March, 1757:—

'Para. 74: The general Situation of Affairs and the necessary Directions in this time of danger as well with respect to the French as your Concerns with the Country Government, will be communicated

With these introductory observations we pass on to make a detailed study of the early administrative system of the East India Company in Bengal.

by the Gentlemen of the Secret Committee to the President and the rest of the Gentlemen of the Select Committee at Fort William.'

Also see in connexion with this question Peter Auber's *Analysis of the Constitution of the East India Company*, pp. 188–89. According to him the Secret Committee was first instituted in 1748.

CHAPTER II

THE GOVERNOR[1]

THERE were during the period from 1765 to 1774, which falls within the scope of this volume, three principal settlements of the East India Company in India: one at Bombay, another at Fort St. George, Madras, and the third at Fort William,[2] Calcutta, in Bengal. These settlements were also called Presidencies, probably because at the head of each of them there was a President. There were, besides, many minor settlements[3] of the Company in various parts of India. They were referred to either as 'subordinates' or as factories, and were under one or other of the principal settlements. This nomenclature, however, was not strictly adhered to, and a subordinate would often be referred to as a factory[4]. A factory in Bengal would generally be under a 'subordinate'.[5] At the head of the Government of each Presidency, there was a President who was also known as Governor. And, broadly speaking, the affairs of the Company at each Presidency were administered, subject to the control of its Court of Directors and, ultimately, of its Court

[1] This was the subject of the second of the series of lectures by the author, referred to in foot-note 1 on page 1 *ante*. The second lecture was delivered on 2nd March, 1937. It was originally published in *The Dacca University Studies*, January, 1939 (Vol. III, No. II). Previously to this, however, a summary of the lecture had appeared in *The Amrita Bazar Patrika* (Town Edition) of 17th March, 1937, Calcutta. See foot-note 1 on page 1 *ante*.

[2] For a short history of the origin of the Presidency of Fort William in Bengal, see Appendix 4.

[3] For instances, at Cossimbazar, Dacca, Patna, Maldah, Luckeypore, Jugdea, Surat, Masulipatam, etc.

[4] It appears that a factory of considerable importance would be designated a subordinate.

[5] This is clear from the following extract from para. 48 of the Company's General Letter to the President and Council of Fort William in Bengal, dated 23rd March, 1770 (received in Bengal per *Mansfield* on 31st October, 1770) :—

'We do not approve that part of your Order to Subordinates, which enjoins implicit obedience to be paid by the Residents at

of Proprietors at home, by the President or Governor and a Council consisting of its superior servants. Moreover, there would often be appointed a Select Committee to help in the administration of the affairs of the Company at each Presidency. Further, it appears from a letter[1] of the Court of Directors to the President and Council of Fort William in Bengal that, subject to the control[2] of the

our several Factories to the orders of the Chief of a Subordinate. It is our pleasure, that all orders that require implicit obedience be issued, not by the Chief singly, but by the Chief and Council . . . . and that all remonstrances and answers thereto be addressed, not to the Chief alone, but to the Chief and Council of such Subordinate respectively from whom the orders may have issued, or in extraordinary cases to the Governor and Council at Calcutta. And we direct that immediately on receipt hereof, you transmit a Copy of this our order to every Subordinate and Factory within your Presidency, that it may be an invariable rule to be observed in future by all our servants at every such Subordinate and Factory '

[1] See the Company's General Letter to Bengal, dated 23rd March, 1770, para 48.

[2] It may also be noted here that in a letter, dated 31st January, 1755, the Court of Directors had written to the President and Council at Fort William that, on the whole, there had appeared a real necessity that the future conduct of the Company's servants at the subordinates 'should be well looked after and a scrutiny made into their past management'. It had, therefore, directed that immediately on the receipt of the letter referred to above, a 'Supravising Committee' should be formed consisting of the President for the time being, Mr Charles Manningham, Mr Richard Becher and Mr John Zepheniah Holwell, and that in case of the death or absence of any of these persons the President should 'fill up the said Committee to the number of Four with such other Members of the Council as he shall judge best qualified for such an important Trust'. In connexion with the functions of this Committee the Court had stated: 'This Committee is to enquire into the manner of making the Investments and the management in general at subordinate Settlements, they are likewise to enquire into the particular conduct of our Servants employ'd there for some time past, now, and in future, and whether they have or do make any unjust advantages and what in the management of the Investment or in any other Branches of their Employs and they are to consider of and point out such Regulation as they shall think necessary, and the said Committee is empowered to send for such Books and Papers and Examine all such Persons whether Blacks or whites as they shall judge can give any Information in the Matters before them, and they are to Report the Facts with their opinion upon the whole to the Council Board from time to time. The Board (i.e., the Council) is then to take into consideration the said Reports and Determine thereupon impartially and according to the best of their Judgements always remembering to do the utmost in their Power to recover what the Company are Defrauded of, and you are further Directed to enter all such Reports together with your Proceedings hereupon at large in your Diary for our Information'.

Governor and Council at Fort William, the affairs of a subordinate were originally managed by a Chief and Council, and those of a Factory [1] by a Resident. Later on [2], as we shall have occasion to see afterwards, the heads of subordinates were also designated Residents. It may further be noted here that, although the three Presidencies often acted on the principle of mutual help in relation to one another, they were, speaking constitutionally, absolutely independent of one another. The Governor and Council at each Presidency were responsible to the authorities of the Company in England for the proper execution of their duties in India.

And the Court added :—

'If the said Committee shall think it necessary to have any Persons in our service suspended you are accordingly to suspend them until our Pleasure is known or unless you find good reasons to the contrary.

'As the Trust reposed in this Committee is of great Importance and their Proceedings will we are satisfied be attended with many good consequences We require every Member of the Council and every Person in our service to be aiding and assisting to the utmost of their Power to the said Committee if they expect a Continuance of our Favour.'

—*Vide* the Court's General Letter to Bengal, dated 31st January, 1755.

[1] Gleig, in his *Memoirs of Warren Hastings* (Vol. I, 1841, pp. 19–20), has given the following interesting account of the organization of a factory :—

'First, there was the European chief, with his assistants more or less numerous in proportion to the importance of his station. Next, there was the banyan, or native secretary, through whom the whole of the business was transacted. The banyan, in his turn, hired a body of gomastahs, or native brokers, at so much per month. Each gomastah repaired to the manufacturing town which was assigned to him, and fixing upon a house, which he called his cutcherry, there took up his abode. Again, the gomastah was provided with a competent number of peons, or armed servants, and hircarrahs, or messengers whom he immediately despatched to summon round him the dallâls, pycars, and common weavers of the place. The dallâls and pycars, be it observed, were alike brokers, only that the one class was inferior to the other ; for the pycars dealt directly with the weavers, whereas the dallâls dealt only with the pycars. Thus, between the individual who produced the article required, and the agent of the Company for whom he produced it, not fewer than four separate agencies intervened—a ready means, if not a fruitful source, of trick and collusion, from which the highest and the lowest of the parties affected by it were almost equally sure to suffer.'

[2] See the General Letter from the Court of Directors to the President and Council at Fort William, dated 28th August, 1771, para. 32.

As the scope of this volume is confined to Bengal alone, we shall, among other things, deal in it with the constitutional position and powers of the Governor, the Council, and of the Select Committee at Fort William, chiefly during the period intervening between the grant of the Diwani in 1765 and the reconstruction of the Government of the Presidency of Fort William in 1774 under the provisions of the East India Company Act, 1773,[1] which is popularly known as the Regulating Act of 1773.

Mode of appointment. The Governor of Fort William in Bengal was, like the Governor of Fort St. George in Madras, the Governor of Bombay and the Governor of Fort Marlborough at Bencoolen, Sumatra, appointed by the Court of Directors of the Company. The Court was empowered to make such appointment by the Royal Charter, dated 5th September, 1698[2], to which we have previously referred. For instances, we may note here that the Court appointed Mr Robert Palk to be President and Governor of Fort St. George on 4th January, 1765; Mr John Spencer President and Governor of Bombay on 12th March, 1766; Mr Richard Wyatt President and Governor of Fort Marlborough on 15th January, 1766; Mr Roger Drake President and Council of Fort William on 11th February, 1756[3]; and Robert Lord Clive President and Governor of Fort William for the second time on 31st May, 1764[4]. It may be mentioned here that sometimes the Court of Proprietors would take the initiative in regard to the

[1] 13 George III, Cap. LXIII. [2] See page 112 *ante*.

[3] First Report (House of Commons) on the Nature, State and Condition of the East India Company, dated 26th May, 1772 (to be referred to hereinafter as the Commons' Report, First).

[4] See Public General Letters from the Court, India Office Copies, Serial No. 7, 1764-67, in the Imperial Record Department, New Delhi; also the Court's General Letter to the President and Council at Fort William in Bengal, dated 9th May, 1764. There is an apparent discrepancy in regard to the actual date of the appointment of Robert Lord Clive as Governor of Bengal in 1764, between the Court's Commission appointing him Governor and its General Letter which refers to the appointment. The letter was dated 9th May, 1764, but it contained the following (para 29) :—

'We have appointed the Rt. Honble Lord Clive President and Governor of our Presidency at Fort William and Commander in Chief of all the Company's Forces there'.

appointment of a Governor. This will be evident from the following extracts from the General Letter which the Court of Directors addressed to the President and Council at Fort William on 1st June, 1764 :

'Para 11 :—

On the 12th of March last the General Court of Proprietors having come to a Resolution—

"That it was the desire of the said Court Lord Clive be requested to take upon him the Station of President of Bengal and the Command of the Company's Military Forces there upon his Lordship's arrival at the said Presidency. (*sic*)

'Para 12 :—

And his Lordship having signified his acceptance of the same, he is accordingly appointed President and Governour '.[1]

It was an invariable usage of the Company that the post of Governor and President in a Presidency should be filled by one of its civil servants. For instance, when the Court of Directors constituted in 1765 the Government of the Presidency of Fort St. George, consisting of Mr Robert Palk, Major General Stringer Lawrence, Mr Charles Bourchier, Brigadier-General John Caillaud and nine others, it directed[2] that Mr Palk should be the President and Governor ; that Major General Stringer Lawrence was 'to be second in

The Commission of the Court appointing Lord Clive to be President and Governor was dated, however, ' the one and thirtieth day of May . . . . . . in the year of our Lord, 1764 '. See Appendix 5.

The explanation of this discrepancy appears to be that, although the Commission actually appointing Lord Clive was dated 31st May, 1764, the decision to make the appointment had been taken by the Court earlier than that date. This explanation is quite reasonable in view of the fact that the resolution of the General Court that Lord Clive should be requested to take upon him the station of President of Bengal etc. (see the text above), had been adopted on 12th March 1764.

[1] We also find in para. 67 of the same letter (i.e., the Court's General Letter to the President and Council at Fort William in Bengal dated 1st June, 1764) :—

'The General Court of Proprietors having on account of the Critical Situation of the Company's affairs in Bengal requested Lord Clive to take upon him the station of President and the Command of the Company's Military forces there, His Lordship has been appointed President and Governor accordingly '.

[2] See the Commons' Report, First, Appendix 1 ; also the Company's General Letter to Fort St. George, dated 4th January, 1765.

Council, and *not at any time to rise to a superior Rank therein*'; that Mr Charles Bourchier was 'to be third, and to succeed to the Government in case of a vacancy therein by the Decease or otherwise of Mr Palk'; and that Brigadier-General John Caillaud was 'to be fourth in Council, and not to rise at any time to a superior Rank therein than third; and his said succession as third to take place only in case of the Death or Absence of General Lawrence'. The Court further declared that neither Major-General Lawrence nor Brigadier-General Caillaud should, agreeably to its former orders, succeed to the office of Governor as that office was always to be filled by one of its civil servants; and that, consequently, 'in case of a vacancy therein, by the Death or otherwise, of Messrs Palk and Bourchier, the next civil servant in the Council below the last named Gentleman, and General Caillaud' was to succeed thereto until its further pleasure was signified.

We also find in the Commission appointing Major-General Eyre Coote to be the Commander-in-Chief of all the military forces of the Company in the East Indies that, at whichever settlement he might be residing, he must 'have a seat and voice in the General Council' as well as in the Select and all other Committees, next to the President; but that it was not the intention of the Court of Directors that he should ever be the Governor of any Presidency, as every vacancy in the office of Governor was to be filled by the senior civil servant in the Council of the Presidency concerned, unless the Court should give any orders to the contrary.[1]

Again, when in 1764 the Court of Directors constituted the 'Council for managing and conducting all our affairs at the Presidency of Fort William in Bengal', consisting of Robert Lord Clive, William Brightwell Sumner, Brigadier-General John Carnac and 13 others, it directed[2] that Lord Clive was to be the President and Governor; that William Brightwell

[1] See the letter of Major-General Coote to the President and Council of Fort St. George, dated 21st August, 1771. *Vide* Secret Consultation, Fort William, 26th September, 1770.

[2] See the Company's General Letter to the President and Council in Bengal, dated 1st June, 1764, para 15.

Sumner was to be the 'second and to succeed to the Government in case of the death or coming away of Lord Clive'; and that Brigadier-General John Carnac was to be the 'third, *but never to rise higher in the Council*[1]'. It also declared[2] that, although General Carnac was 'to have a seat and voice in the Council in the Rank before mentioned', yet it was 'meant' that he was 'to remain fixed and never rise to an higher station therein', and, consequently, 'not to succeed to the Government upon any Vacancy, the same being and be filled up on such an event By and Confined to Our Civil Servants according to the general Custom and Usage of the Company'. And the Court's Commission[3] appointing Robert Lord Clive President and Governor of Fort William also provided that in case of his death or removal, Mr William Brightwell Sumner should immediately 'succeed in the place and charge of president and governor of Fort William', and that in case of the death or removal of Mr Sumner, 'the next in degree of Council below the said Brigadier General John Carnac shall succeed in the said presidency and government in as full and ample manner and with as large and ample powers, privileges and authorities as are hereby granted unto the said Robert Lord Clive until our (i.e., the Court's) further pleasure be known therein'.

We may cite one more instance illustrating the usage referred to above. When earlier in the year 1764 the Court of Directors had formed the Council 'for managing and conducting the Company's affairs' at the Presidency of Fort William in Bengal, consisting of Mr Henry Vansittart, Mr John Spencer and Brigadier-General John Caillaud and eleven others, it had directed[4] that Mr Vansittart should be the President and Governor; that Mr Spencer should be the second member of the Council; and that Brigadier-General

[1] The italics are ours. [2] See the Court's letter last cited, para. 17.
[3] See Public General Letters from the Court (India Office) Copies: Serial No. 7, 1764-67, pp. 33-40.—Imp. Record Dept., New Delhi.
[4] See the Company's General Letter to Bengal, dated 8th February, 1764, para 10. The letter had been addressed to the President and Council at Fort William.

John Caillaud should be its third member in point of rank, and so on. It had also directed[1] that Mr Spencer should succeed to the Chair as President and Governor 'in case of a vacancy by the Death or otherwise of Mr Vansittart'; that General Caillaud was 'in course to be the Standing Third in Council and at Committees', in which station he was to be fixed and was never to rise higher; that in case of a vacancy in the office of Governor 'by the Death or otherwise of both Mr Vansittart and Mr Spencer', the same was 'to be filled up by the Member next in standing below General Caillaud' (i.e., by a civilian) until its further orders were sent; and that if it should happen at any time that the President and the second member of the Council were both absent, then 'the next member below General Caillaud' was to 'preside at the Council and Committees during such absence'.

We shall have an occasion later on[2] to discuss the principle underlying the usage we have illustrated above. It is only a proof of the anxiety of the Company to assert the superiority of the civil over the military authorities. It may be noted in this connexion that even under the Montagu-Chelmsford Constitution more or less similar incapacity attached to the office of Commander-in-Chief of India. For instance, under the Government of India Act on which that constitution was based, if the Commander-in-Chief was a member of the Executive Council of the Governor-General of India, he was to have rank and precedence in the Council next to the Governor-General[3]. At any meeting of the Council the Governor-General or any other person presiding and one member of the Council other than the *Commander-in-Chief* might exercise all the functions of the Governor-General in Council[4]. If. however, the Governor-General were absent from any meeting of the Council owing to indisposition or any other cause, the Vice-President[5], or, if he too

[1] See the Court's letter last cited, paras 11, 13 and 14.
[2] See Chap IX. [3] Section 37 of the Government of India Act.
[4] Section 39 (2), *ibid.*
[5] The Vice-President was appointed by the Governor-General from among the members of his Council. See Section 38, *ibid.*

were absent, the senior member *other than the Commander-in-Chief* present at the meeting was empowered to preside theareat.[1]

The Governor's Oath and Penalty Bond.

The Governor was required to take an oath and to enter into a penalty bond[2] that he might be 'restricted in points of Trade and private Interest'. Both the oath and the penalty bond have an interesting history. They were, as will be evident from what follows, instituted at the instance of Lord Clive. In a letter[3], dated at Calcutta 1st February, 1766, he wrote to the Court of Directors that the advantages of trade to a Governor must be very great; yet he could not help thinking that 'the Company would do well to allow him even a full Equivalent, and absolutely forbid his having any concern whatever in Trade'. 'This you may remember', he continued, 'was one of my principles, and I am convinced by experience that your affairs in Bengal are so extensive and important that a Governor cannot possibly do his duty to the Company and at the same time attend to mercantile concerns of his own—Your extensive commercial affairs, the study of your finances, the Politics of the Country, the Epistolary correspondence the proceedings of Council and Committee these are sufficient to employ every moment of his time; and I am confident Your affairs cannot be conducted with the requisite attention to your interest if the mind of the Governor be diverted by complicated accounts of his own, either of shipping or inland Trade—this together with my proposal[4]

[1] Section 42 of the Government of India Act.

[2] He was also required later on to give a security of £10,000 for the faithful performance of his Covenant regarding the non-acceptance of any presents from any person. See page 334 *post*.

[3] Para. 12.

[4] The proposal occurs in para. 18 of Clive's letter to the Court of Directors, dated at Fort William 30th September, 1765. It was as follows:—

'The Advantages (in connexion with the inland trade in salt, betelnut and tobacco) proposed for the Governor and Council would undoubtedly appear extremely large, to those who are unacquainted with the Riches of Bengal, and the numberless opportunities which the Company's Servants have of acquiring Money : But you, who are now perfectly informed of the Revenues of these Kingdoms, and the prodigious Emoluments within the Reach of Gentlemen high in the Service, will, I am persuaded, agree with me, that if some Plan, of the Nature proposed, be not adopted, the Governor and Council will not

by the *Admiral Stevens* of an oath and penalty Bond, completely conveys to you my idea of the restrictions upon private interest '.

Later on, in the course of a remarkable minute laid before the Select Committee at Fort William on September 19th[1], 1766, Lord Clive made the following statement as Governor[2] :—

'Our attention as a Select Committee, invested with extraordinary Powers by the Court of Directors, has been constantly engaged in reforming the abuses which had crept into the several Departments of this Government. The important Work has been steadily prosecuted with Zeal, Diligence, & Disinterestedness, on our part, and the success of our Labours gives us Reason to hope that our Employers will be of opinion We have established many useful & necessary Regulations. Many others however are still

fail to acquire much larger Fortunes, by other Means, in a much shorter time; which must always be productive of that quick Succession, not only so detrimental to your commercial Interest, but so totally incompatible with the Acquisition of political knowledge, which ought now to be considered as a very material Qualification, in all your Civil as well as Military Servants. To obviate an objection which may arise, That (they) may possibly proceed in the old way.of procuring Money, notwithstanding they accept of these Allowances, I would have an Oath tendered to them, of as strong and solemn a Nature as can be penned; I have drawn out the Form of one, agreeable to my Idea of the Expedient, and have the Honour to inclose it for your Consideration. To this may be annexed a Penalty Bond of £150,000, to be executed by the Governor, and of £50,000 to be executed by each of the Council. Thus the Conscience of some will be awakened by the legal consequences of Perjury; and pecuniary Punishment will be a sure Guard over the Honesty of others. Could the Hearts of Men be known by their general character in Society, or Could their Conduct, in a State of Temptation, be ascertained from their moderate Attention to Wealth, whilst the sudden Acquisition of it was impossible, the Proposal I make would be an affront to Religion and Morality; but since that is not the case in any Part of the world; and least of all so in the East, we must for our own Security impose such Restraints, as shall make it impossible even for Hypocrisy to introduce Corruption'.—Also see the Commons' Report, Third, 8th April, 1773, Appendix 73.

[1] And not on September 23rd as stated by Sir George Forrest (*The Life of Lord Clive*, Vol. II, p. 329).

[2] *Vide* the Proceedings of the Select Committee, Fort William, of 19th September, 1766; also Home Public Proceedings, Fort William, 22nd September 1766; also Public (Home) O.C. (Fort William) No. 3 (*a*), dated 22nd September, 1766.

wanting to compleat our Plan, but I doubt not that the same Principles which have hitherto guided our Conduct, will continue to direct & to justify the Measures we have yet to pursue.

'To place the President in such a Situation as will render his Government completely honourable to himself, & advantageous to the Company, appears to me an Object of as much Consequence as any that has been taken into our Consideration. Where such immense Revenues are concerned, where Power and Authority are so enlarged, and where the Eye of Justice & Equity should be ever watchful, a Governor ought not to be embarassed (*sic*) with private Business; he ought to be free from every occupation in which his Judgement can possibly be biassed by his Interest. —The extensive Commercial affairs, the Study of the Finances, the Politics of the Country, the epistolary Correspondence, the Proceedings of Council and Committee; these are sufficient to employ every moment of his Time; & I am confident that they cannot be conducted with the requisite attention to the Company's Interest, if the Mind of the Governor be diverted by complicated mercantile accounts of his own.

'If we look back upon those unhappy Dissentions (*sic*) which have frequently brought the Company's Possessions in Bengal, almost to the Point of Destruction, we shall find that they have generally proceeded from the Conduct of Governors, who too eager in Pursuit of private Interest, have involved themselves in affairs which could not be reconciled to the strict Principles of Integrity. To prevent Scrutinies and Discoveries which might in any Degree affect their Honour, they have frequently been reduced to the Necessity of conniving at Abuses which would otherwise have been brought to Light and remedied. The Welfare of this great Company should be the sole study of a Governor; attached to that Point alone, his measures could never be thwarted by the Malice of Opposition, because they would all be proposed for the puplic Good, and actions will always be justified, or condemned, from the Principles on which they are founded'.

'Such a State of Independency & Honour', continued Lord Clive, 'must be highly eligible to a Governor, & in my Opinion it can only be acquired by cutting off all possibility of his benefiting himself either by Trade, or by that Influence which his Power necessarily gives him in these opulent Provinces'.

He, therefore, proposed that the Governor should 'in the most public Manner, in the Presence of all the Company's servants, the Mayor & Aldermen & Free Merchants assembled at the Mayor's Court, take the Oath, & execute the Penalty Bond' he annexed to his minute. The consideration he proposed was '1⅛th P Cent upon the Revenues collected, excepting those arising from the Company's own Lands at Calcutta, Burdwan, Midnapore & Chittagong'.

Although by these means, said Clive in conclusion, 'a Governor will not be able to amass a Fortune of a Milllon or Half a Million in the space of 2 or 3 years, yet he will acquire a very handsome Independency and be in that very situation which a man of nice Honour, and true Zeal for the Service, would wish to possess. Thus situated, he may defy all opposition in Council; he will have nothing to ask, nothing to propose, but what he means for the advantage of his Employers: he may defy the Law, because there can be no Foundation for a Bill of Discovery; and he may defy the obloquy of the World, because there can be nothing censurable in his Conduct. In short if Stability can be insured to such a Government as this, where Riches have been acquired in Abundance, in a small space of Time, by all Ways & Means, & by Men with or without Capacities, it must be effected by a Governor thus restricted, and I shall think it an Honour, if my Proposal be approved, to set the first Example'.

The arguments advanced by Lord Clive for restricting the future Governors of Fort William 'in points of Trade & private Interest', were so convincing to the Select Committee that it unanimously recommended the acceptance of his proposal to the Council that it might be 'carried into

Execution with all convenient Dispatch'.[1] On 22nd September, 1766, the Council entirely approved of the form of the oath and of the penalty bond as recommended to it by the Select Committee. The oath was to be taken and the penalty bond to be executed by Clive and by all future Governors of Fort William. The Council also agreed that it would assemble 'at the Town Hall (Fort William) on Wednesday the 1st day of October next,' that the oath might be taken and the penalty bond executed by Clive in the most solemn manner 'before the Mayor and Aldermen'.[2] Further, it directed that this decision should be communicated to the latter, and that the civil and military servants of the Company and the other inhabitants of Fort William should be desired to attend the ceremony.

Accordingly, on the morning of 1st October, 1766, the Right Hon'ble the President and Council assembled at the Town Hall and 'the Right Honble the President (i.e., Lord Clive) did in the most solemn manner before the Mayor & Aldermen and in the Presence of a great number of the Inhabitants take[3] the Oath and enter into (the) Penalty Bond', as suggested by the Select Committee and approved by the Council. And we also find that in their General Letter[4], dated at Fort William 28th November, 1766, the President and Council wrote to the Court of Directors :—

'The Select Committee in their Proceedings laid before the Board (i.e., the Council) the 22nd September communicated to us a proposal that had been made by the Right Honble the President for restricting the future Governors of Fort William in points of Trade and private Interest in consideration of their securing 1⅛th per cent on the Revenues Collected in the Provinces of Bengal Bahar & Orissa excepting the revenues of the Company's own Lands at Calcutta, Burdwan, Midnapore and Chittagong—this expedient was so

[1] *Vide* Original Home Dept. Public O.C. (22nd September, 1766) No. 2 (*a*), Fort William ; also Public Proceedings, Home Dept., Fort William, 22nd September, 1766.

[2] Of the Mayor's Court at Fort William, Calcutta.

[3] See the Home Public Proceedings, Fort William, dated 1st October, 1766.

[4] Para 135.

evidently calculated for the Benefit of your Affairs which are now become so extensive in this part of India that it cou'd not but meet with our unanimous approval, in consequence of which the Right Honble the President did on the 1st of October before the Mayor and Aldermen and in the most public manner take an Oath and enter into a Penalty Bond which had been prepared on this occasion and are entered on our Proceedings '.

We have given elsewhere[1] a copy of the oath which Lord Clive took as Governor, and also a copy of the penalty bond which he executed. As may have been noticed from what has been written above, both the oath and the penalty bond were *mutatis mutandis* intended also for future Governors. Briefly speaking, under the terms of the oath,[2] Clive swore as President and Governor of Fort William, 'in the Presence of Almighty God', that he would not, during his tenure of office as President or Governor of Fort William from the time he took the oath, 'directly or Indirectly carry on use or exercise any Trade or Commerce in the way of a Merchant or otherwise traffiic adventure or Trade in any Commodities whatsoever, at, to, in, or from the East Indies China Persia or Mocha or in any part thereof or elsewhere between the Cape of Good Hope and the Streights of Magellan either on my own account or in Company with or on account of any other Person or Persons in any article of Merchandise whatsoever (save and except for the Benefit of the English East India Company, and excepting such Goods and Merchandizes as shall be remaining on Hand and unsold at the time I commenced President and Governor of Fort William, and wherein I now have any share or Interest, etc.').[3] Nor would he, during his continuance as President and Governor of Fort William, directly or indirectly 'advance, Lend or place out any sum or sums of Money at' any Rate, premium or Interest exceeding ten[4] P Cent P

[1] See Appendix 6.
[2] See the *Home Public Proceedings*, Fort William, dated 22nd September, 1766.
[3] For further details, see Appendix 6.
[4] This figure was raised to twelve in the case of Mr. Verelst's oath.

Annum'.[1] He did also most solemnly swear that he would not on any account or pretence whatsoever 'directly or Indirectly take accept or receive nor knowingly wittingly or willingly suffer or permit to be accepted, taken or received by any Person or Persons in trust for me my Heirs Executors or Administrators or for any other Person or Persons whatever out of personal Friendship to them, or receive to my own Interest Directly or Indirectly any Jewels Effects Sum or Sums of Money whether by Bonds, Bills, obligations or otherwise.........'. Further, he declared that, in consideration of his commission of $1\frac{1}{8}$ per cent of the revenues of Bengal, Bihar and Orissa, exclusive of those derived from the Company's own lands at Calcutta, Burdwan, Midnapore and Chittagong, and also in consideration of his salary and certain other authorised allowances and commissions[2] and of the interest of 10 per cent to be received by him on loans granted by him, he would not directly or indirectly receive or enjoy any other emolument or advantage. Moreover, he swore that he would not himself receive, or knowingly permit any other person to receive, any fee, gratuity or advantage 'from the disposal of any Place or employment or office to any European or any other person whatever in or out of the Company's Service'. Lastly, he solemnly declared that during his tenure of office he would not 'act in any Respect ....contrary to any Article Covenant Clause Promise or Agreement contain'd in or the true Interest and meaning of a certain Indenture[3] (i.e., the penalty bond) bearing Date this first day of October one Thousand seven Hundred and Sixty-six and made or mention'd to be made between the......... United Company of the one part and Robert Lord Clive of the other Part', but that he would 'truly and faithfully perform the same'.[4]

[1] For further details, see App. 6.
[2] See pages 138–39 *post*.
[3] See Appendix 6.
[4] The following additional words occur in the case of the oath which Mr Harry Verelst took on 17th February, 1767, in the Mayor's Court at Calcutta, as the President and Governor of Fort William :—

'Provided always, and it is hereby understood and provided, That if any orders or directions should arrive from the Honourable the Court of Directors relative to any appointments, for the support,

The penalty bond[1] which Clive executed on 1st October, 1766 (and which all future Governors of Fort William were required to execute, *mutatis mutandis*, both by the Council[2] at Fort William and the Court of Directors),[3] included within its terms all the essential obligations imposed by the oath referred to above. 'And in order to a discovery to and

maintenance, and emoluments of the president and governor of Fort William, which the said president may prefer to the considerations specified in this oath ; that then, and in this case, the above oath and indenture,* shall be void and of no effect '.

* That is to say, the indenture into which Mr Verelst entered as the President and Governor of Fort William, like his predecessor in office, Lord Clive.

[1] Vide Home Public Proceedings, Fort William, 22nd September, 1766 ; also O. C., Fort William, 22nd September, 1766, No. 5, Original Home Dept. A Public ; also Appendix 6.

[2] See page 129.

[3] For instance, in its General Letter to Bengal, dated 20th November, 1767, the Court wrote (para. 112) to the President and Council at Fort William that it approved of and confirmed the Deed of Renunciation (i. e., the penalty bond) entered in their Proceedings of 22nd September, 1766, and directed all Governors to 'execute the like Instrument on their entering into their office'.

Referring to the Deed of Renunciation again in its General Letter to Bengal, dated 16th March, 1768 (para. 183), the Court directed it to be executed by all future Governors (of Fort William).

In para. 184 of the same letter, however, the Court informed the President and Council of Fort William that it had, upon a mature consideration of the Deed of Renunciation, 'caused a more proper Instrument* to be prepared for the same purposes' that the original deed had had in view, and that it was transmitting copies thereof along with the letter, for due execution by 'Mr Verelst immediately and by every future Governor on his succeeding to that station'.

Every Governor was directed to execute this new deed in triplicate. Two copies of the executed deed were to be sent to the Court by different ships and the third copy was to be kept in the Company's Treasure chest, so that reference might, if necessary, be made to it easily either by the Court or by the President and Council of Fort William.

* (No copy of this 'more proper Instrument' could be traced in the Imperial Record Office, New Delhi. We, therefore, wrote to the India Office, London, requesting it to send us a copy of this 'Instrument', if possible. In his letter No. R. 285/39, dated at India Office, Whitehall, 13th February, 1939, Mr. W. T. Ottewill has written to us as follows :—

'It has not been possible to trace here a copy of the "more proper Instrument" referred to in paragraph 184 of the East India Company's General Letter to the President and Council of Fort William in Bengal dated 16th March, 1768'.

Apparently, this document is not traceable now.)

satisfaction for any actings or Doings of the said Robert Lord Clive or breach of any Covenant Clause Article or Agreement herein (i.e., in the bond) contained contrary to the true Interest and meaning hereof', the bond provided that it 'shall and may be lawful to and for the . . . . . Company and their successors to exhibit or file any Bill or Bills of Complaint of Discovery in his Majesty's Court of Chancery or Exchequer at Westminster, or by three or more of the Council at Fort William for the time being on behalf of the . . . . Company in the . . . . . Mayor's Court . . . . . at Fort William . . . . or by any other Person or Persons whatsoever against him the said Robert Lord Clive his Heirs Executors or Administrators. . . . . .' And 'for the true full and faithful Performance of every Article, Clause promise Covenant and Agreement' in the bond, Clive bound 'himself his Heirs Executors and Administrators' in the penal sum of £1,50,000, to be recovered in case he acted contrary to the requirements of the bond.[1]

Remuneration of the Governor.

It may be of interest to the reader to know the total remuneration which the President and Governor of Bengal used to get in those days. The Governor of Bengal actually receives to-day (1939) an annual salary of Rs. 1,20,000[2] under the Government of India Act, 1935. But the remuneration which was allowed to the President of Fort William during the years just before, and after, the grant of the Diwani was not a fixed amount, but varied from person to

[1] See Appendix 6 for further details.

[2] See the Third Schedule to the Government of India Act, 1935. It may be noted here that under Schedule Two to the now (1939) repealed Government of India Act the maximum salary payable to the Governor of Bengal was Rs. 1,28,000 per annum. The actual amount, within the maximum, was fixed in each case by the Secretary of State in Council. Thus the Governor of Bengal actually used to receive as his salary Rs. 1,20,000 per annum under the said Act.

It may further be noted here that under the Third Schedule to the Government of India Act, 1935, the Governor of Bengal, like other Provincial Governors in India, is to be paid such allowances for expenses in respect of equipment and travelling upon appointment and such allowances during his term of office as may from time to time be fixed by His Majesty in Council, and such provision shall be made for enabling him to discharge conveniently and with dignity the duties of his office as may be determined by His Majesty in Council.

person. The principal cause of the variation in the remuneration granted to different Governors, however, was the varying nature of their duties and responsibilities. This will be evident from what follows.

Mr Henry Vansittart[1] was originally granted as President 'a commission of 2½ per cent on the net annual revenue of our (i.e., the Company's) acquired territories'[2] and '1 per cent out of the 2½ per cent coinage duty as regulated in our letter[3] of the 3rd of March 1758'. Besides, he was paid '24,000 current rupees a year by way of salary for the Expense of his table and all other charges & expenses whatsoever'. These (three) allowances were declared by the Court 'to be the whole of the president's appointments', and they were 'not to be exceeded on any pretence whatsoever notwithstanding any former orders from' it, or what custom might have introduced.[4] It may be noted here that these allowances were directed to be paid not only to

[1] He was President from July 1760 to 1764. He embarked for Europe on a date in between November 26th and December 6th, 1764. According to Peter Auber (*Rise and Progress of the British Power in India*, Vol. I, 1837, p. 77), Mr Vansittart had arrived from Madras in Bengal as President and Governor, on 27th July, 1760.

[2] Obviously, the Company's Zemindary lands of Calcutta and the Twenty-four Parganas. They could not mean anything else. Official information regarding the Revolution of 1760 in favour of Meer Cossim and the cession by the latter of the districts of Burdwan, Midnapore and Chittagong to the Company 'for all charges of the Company and of the . . . Army, and provisions for the field', reached the Court of Directors only on 16th June, 1761. Before that the Court had dispatched its letter of 13th March, 1761, which had originally provided for the commission of 2½ per cent for Mr Vansittart, etc. See the Company's General Letter to the President and Council at Fort William in Bengal, dated at London, 19th June, 1761, paras. 3–4.

[3] Reference is to para. 125 of the Court's General Letter to the President and Council of Fort William in Bengal, dated 3rd March, 1758. The paragraph ran as follows :—

'The coinage you are to collect on all silver is Two and a half P Cent upon the Contractors Prices, which you are to appropriate in the following manner One P Cent bring to our Credit, One P Cent we indulge our Governor for the time being, and half P Cent to the Mint Master as an encouragement to discharge this Trust with Fidelity and Application. . . .'

[4] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 13th March, 1761, paras. 59 and 138.

Mr Henry Vansittart, but also to the President for the time being.[1]

In its General Letter to Bengal, dated 13th May, 1763, the Court not only confirmed[2] the grant of 2½ per cent commission on the net revenues of the Company derived from all lands other than those ceded by Meer Cossim, 'as a settled and invariable Emolument to every Governor,' but further directed that so long as Mr Vansittart would continue in the Government of Bengal, he should *also* be allowed a commission of two and a half per cent on all net revenues to be derived from the lands[3] ceded to the Company by Meer Cossim under his Treaty (Article 5) of 27th September, 1760, with the former. This additional emolument was 'expressly to be understood as a distinct Reward due to the Personal merit of President Vansittart' to whose 'wise, prudent and disinterested conduct', stated[4] the Court, the Company principally owed the great increase in its revenues 'arising out of the Provinces granted . . . by Cossim Ally Cawn (i.e., Meer Cossim) and the vast improvement of those Revenues', and who had preferred the interests of the

[1] See the letter referred to in the last foot-note.

We also find the following in para. 6 of the Company's General Letter to the President and Council at Fort William in Bengal, dated 13th May, 1763 :—

'In our Letter of the 13th March, 1761, We allowed President Vansittart Two and a half P Cent on our Net Revenues including all the grants from Jaffier Ally Cawn and this We confirm as a settled and invariable Emolument to every Governor.'

[2] See the foot-note above.

[3] I.e., from the districts of Burdwan, Midnapore and Chittagong ceded to the Company by Meer Cossim under his Treaty (Article 5) of 27th September, 1760, with the former, 'for all charges of the Company and of the . . . Army, and provisions for the field '.

See in this connexion the author's '*Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72 ', p. 2n.

[4] See the General Letter from the Court to the President and Council at Fort William in Bengal, dated 13th May, 1763, paras. 7 and 9. We also find the following in the Company's General, Letter to the President and Council at Fort William in Bengal, dated at London 19th June, 1761 :—

'Para. 5—We clearly see that this Revolution (in favour of Meer Cossim) has been happily brought about principally by the good conduct and address of our President Vansittart and we accordingly sincerely heartily return him our thanks for his great services and disinterested Behaviour on this occasion.'

Company to all other considerations; and it was 'absolutely to cease upon his quitting the Government', and 'not to be claimed or any ways pretended to by our future Governours whose fixed Emoluments, very handsome and expensive', said the Court, 'We repeat to you is confined to our Orders and Regulations of the 13th March 1761'.[1] Thus, when earlier in the year 1764 the Court reconstituted the Council for the Presidency of Fort William with Mr Vansittart as President and Governor, Mr John Spencer as the second member of the Council and twelve other persons, it directed[2] that Mr Spencer who stood second in the list of members, should 'succeed to the Chair as President and Governor in case of a vacancy by the Death or otherwise of Mr Vansittart', but that he was not to have the additional emolument which had been granted to the latter as a special reward for his services to the Company.

Again, when in 1764, the Court of Directors, at the instance of the General Court of Proprietors, appointed Lord Clive President and Governor of Bengal for the second[3] time, it

[1] See page 134 *ante*.

[2] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 8th February, 1764, paras. 10-12.

[3] We may refer in this connexion to the remuneration which had previously been ordered to be paid to such Governors as had been directed to be appointed on the principle of rotation, and to Clive when he had been appointed Governor of Bengal for the first time. Perhaps this principle of rotation in regard to the appointment of Governors requires some explanation:

In its General Letter to the President and Council at Fort William in Bengal, dated 11th November, 1757, the Court provided (para. 46) for the principle of rotation for filling the office of Governor at Fort William. It appointed a President and Council for Bengal, consisting of Messrs William Watts, Charles Manningham, Richard Becher, John Zephaniah Holwell and eight other persons. It directed, however, that Mr Watts, Mr Manningham, Mr Becher and Mr Holwell should each be President and Governor for the term of four months (at a time); that Mr Watts was 'to have the first Term to commence upon the Receipt' of the letter; that he was to be succeeded by Mr Manningham; and that in this manner they were to succeed each other alternately. It further directed that Mr Watts was to be the second member of Council when Mr Manningham would be the President; and that Mr Watts was to 'take Rank as second and Mr Manningham as third', when Mr Becher would be the President, and so on.

[Sir George Forrest has stated (*The Life of Lord Clive*, Vol. II, p. 48) that the Council at Fort William during the operation of the

granted to him an allowance of £6,000 a year 'to be paid him Monthly to commence upon his arrival in Bengal'.

rotational system was to consist of ten members and that the three senior members thereof were to take the Chair, each successively, for four months. This is not correct. As shown above, the Council was to consist of 12 persons and the office of Governor was to rotate among the four senior members thereof.]

In its General Letter to the President and Council at Fort William, dated 8th March, 1758, however, the Court modified its previous direction in regard to the principle of rotation as applied to the office of Governor. Information about what had happened in Bengal had meanwhile reached the ears of the Company at home, and the Court wrote that 'in consideration of the eminent and repeated services' which Colonel Robert Clive had rendered to the Company, and, in particular, of the share he had had in bringing about 'the late Glorious and advantageous Revolution in Bengal', it had appointed him to be the '*sole* President and Governor of Fort William', in case it should suit his health and convenience to continue in India. In case, however, he should be desirous of returning to England and accordingly left India, or in case of his death, the Court directed, 'the Rotation of the Four Gentlemen' who were to preside alternately as President and Governor, was 'immediately to take place in the manner mentioned and directed' in its General Letter to Bengal of 11th November, 1757 (see above).

(The italic in this paragraph is ours.)

In regard to the remuneration to be paid to the Governor, the Court ordered that Clive was to receive as Governor and President an annual allowance of 'Twenty four thousand Current Rupees'. Besides, he was to have an additional allowance at the rate of one thousand pounds a year as a testimony of the Company's regard for the great services he had rendered to it. This additional allowance was to be deemed a personal favour to him only and was not to be treated as a precedent for the future. The Court repeated this particular direction in para. 7 of its 'further additional Letter' to Bengal, dated 23rd March, 1758, in which also it stated that the allowance of one thousand pounds a year mentioned in the 8th Paragraph of its letter of 8th March, 1758, as an additional and personal allowance to President Clive, was not to be continued to his successor in office. 'The said annual sums of Twenty four Thousand Current Rupees and one thousand Pounds' were to be paid to Clive 'in full of all allowances whatsoever.' (Also see the Court's Letter to Clive, dated 8th March, 1758.)

With regard to the remuneration to be paid to those whom we may call 'Rotation Governors', the Court directed that Messrs Watts, Manningham, Becher and Holwell should each be paid during the time they would act as President, two thousand current rupees per month 'for a Table and all other allowances whatsoever', and that this was to be 'exclusive of the standing appointment assigned to each in common with the Juniors who are of Council, etc. . . . '—See the General Letter from the Court to the President and Council at Fort William in Bengal, dated 3rd March, 1758, para. 134.

The meaning of the word 'exclusive' above is not clear. Does it imply 'in addition to'? If so, it is not corroborated by para. 7 of

This, together with the commission of one per cent to which he was entitled as President out of the coinage

the Court's General Letter to the President and Council at Fort William in Bengal, dated 8th March, 1758. It runs as follows :—

'You will observe in the 134th Paragraph of our Letter of the 3rd Instant (see above) that the Four Gentlemen there mentioned are to be allowed during the time that each of them shall Preside as Governor and President Two Thousand Current Rupees P Month for a Table and all other allowances whatsoever as Governor and President, this is to be understood as an allowance during their said Presidency only and not to be paid them so long as Col. Clive continues the Governor and President.'

Perhaps it may be interesting to note here incidentally what happened to the principle of rotation in regard to Governorship. So far as the Court of Directors was concerned, it appears from its 'further additional Letter to Bengal', dated 23rd March, 1758, addressed to the President and Council at Fort William, that in pursuance of the following resolution of the General Court of Proprietors adopted on Wednesday, the 15th of March, 1758, it 'abolished and annulled' 'the said Rotation of Four Persons appointed to succeed alternately by our General Letter of the 11th November last (i.e., 1757) by the *Hardwicke* and . . . confirmed by our letter of the 8th Instant and therein ordered to take place on the Death or absence of Colonel Robert Clive, whom' it had already appointed to be the sole President and Governor of Fort William :—

'Resolved that the appointed Rotation of Four Governours for Bengal as successors to Colonel Clive be immediately abolished, and that each of the Company's Principal settlements continue to be as heretofore Governed and Directed by a President and Council.'

It also appears from the same letter of 23rd March, 1758, that the Court not merely confirmed its previous appointment of Clive as the sole Governor of Fort William, but also appointed 12 other persons including Messrs Watts and Charles Manningham, to constitute along with him the Government of the Presidency of Fort William in Bengal.

Before, however, the Court's letter of 23rd March, 1758, reached Fort William, its General Letter of 11th November, 1757, had arrived there, containing its instructions regarding the rotation of Governors. The Council at Fort William, however, wrote to Clive who had, as we have seen before, not had the honour of being appointed one of the Governors, a remarkable letter (see App. 7) on 26th June, 1758, offering to him the office of Governor of Fort William. It is worthy of note here that out of six signatories to the letter there were three, namely, Messrs Watts, Manningham and Becher who had themselves been appointed Governors under the rotation principle. The chief reason which urged the Council to deviate from the commands of the Court of Directors and fix the Presidentship on a single person pending the appointment of a Governor by the Company, was 'a Sincere Conviction' on its part that 'a Rotation in the Executive Part of Government' in the then circumstances of the Company in Bengal, 'would be extremely prejudicial' to its real interests (see App. 7). Clive replied to the Council on the same day, accepting the offer. By its letter of 26th August, 1758, the Council informed the Court of Directors of the reasons which had induced it to deviate from the orders of the Court regarding the rotation of Governors. In its

duty[1] of two and a half per cent, was to be in full consideration of all his services, both civil and military. Consequently he was not to have any allowance by way of commission or otherwise out of the revenues derived from any territorial acquisitions of the Company.[2] And the Court definitely declared in its General Letter[3] to Bengal, dated 1st June, 1764, that its previous orders relating thereto as contained in its letters[4] to Bengal of 13th March, 1761, and 13th May, 1763, would thenceforth be null and void. Clive, however, was permitted to enjoy, in addition, 'the usual Commission arising from the Coral and other Licensed Articles consigned to him by Private Merchants'.[5]

The sum of six thousand pounds a year allowed to Clive was, however, exclusive of the extraordinary expenses (if any), which he might have to incur in case he was under the necessity of taking the field. The Court directed that all such expenses should be borne by the Company and paid to him out of its 'cash in Bengal'.[6]

letter to the President and Council at Fort William, dated 1st April, 1760, the Court wrote that its directions on the question, subsequent to those of 11th November, 1757, were a sufficient proof that it had seen the many inconveniences which would certainly attend the execution of its original orders; and that, although the Council should be 'extremely tender in dispensing with' its orders, yet in this particular case it could have no reason to blame it.—See Clive's evidence before the Parliamentary Committee in the Commons' Report, Select Committee, First, 26th May, 1772; also Consultation, Fort William, 26th June, 1758 (*in Bengal and Madras Papers*, Vol. III, 1757-1795, Imperial Record Department, Government of India, Bengal Public Consultations, 1758, pp. 29-31); also Forrest, *The Life of Lord Clive*, Vol. II, pp. 47-51.

[1] See page 134 (foot-note 3) *ante*.

[2] See the Court's General Letter to Bengal, dated 1st June, 1764.

[3] It was addressed to the President and Council at Fort William.

[4] See page 134 and page 135 *ante*.

[5] The meaning of this sentence will be clear from the following extract from the Company's letter to the President and Council at Fort William in Bengal, dated 19th February, 1762:—

'Para. 41:—It is reasonable the President (of Fort William) should be upon the same footing as those of Fort St George and Bombay with respect to consignments of Coral and Silver on private account, and therefore as the Proprietors of those Articles enter into Bonds to pay two p. cent Commission thereon to the President we do agree to his receiving such Commission.'

[6] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 1st June, 1764, para. 64.

Moreover, although the Court of Directors had directed[1] that Clive was not to have any share, by way of commission, in its territorial revenues, yet he was granted a share in them by the Select Committee at Fort William. This will be evident from the following resolution of the Select Committee adopted at its meeting held at Fort William on 16th January, 1767:—

'The Right Honble the President (i.e., Lord Clive) having conformably to his restrictive oath,[2] relinquished the 5 shares to which he is entitled in the Capital stock of the Society of Trade,[3] as well as every other commercial Benefit and advantage:

'Resolved, that we assign to his Lordship, as an Equivalent for the same, a Commission of $1\frac{1}{8}$th upon the Revenues of Bengal & Bahar,[4] Payment to commence from the 1st Day of September last (i.e., 1766) and to continue untill (*sic*) the 1st Day[5] of September ensuing (i.e., 1767).'

In connexion with the allowance of £6,000 a year granted to Clive, it should be mentioned that the Court of Directors made it clear that it was intended for him only, and was not

[1] See page 139 *ante*.
[2] See pages 130–31 and also Appendix 6.
[3] See Chap. VI.
[4] Strictly speaking, this should have been:

Bengal, Bihar and Orissa, excluding the Company's Zemindary lands of Calcutta and the Twenty-four Parganas, and the ceded districts of Burdwan, Midnapore and Chittagong.

This is also clear from the following extract from the Proceedings of the meeting of the Select Committee, Fort William, held at Barasat on 21st December, 1766:—

'That the commission of one and one-eighth upon the Dewanee revenues are assigned to Lord Clive till the first day of September next in lieu of the five shares which his Lordship has relinquished in the capital stock of the Society of trade.'

Only Lord Clive and Mr Verelst attended this meeting.

The expression 'the Dewanee revenues' above means the revenues derived from the Diwani lands, i.e., Bengal, Bihar and Orissa minus Calcutta, the Twenty-four Parganas, Burdwan, Midnapore, and Chittagong.

Also see the Governor's Oath, pp. 130–31 and Appendix 6; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72, p. 2n.

[5] It may be noted here that this was also the date on which the Society of Trade itself was to be abolished in accordance with a resolution of the Select Committee adopted under the direction of the Court of Directors.—Vide Proceedings, Select Committee, Fort William, 16th January, 1767.

to be allowed to any future President and Governor. It, therefore, directed[1] that any person who would 'immediately and in future succeed to the' office of Governor after Clive should be allowed, over and above the commission on the coinage duty referred to before, 'Three Thousand Pounds a year as settled in our Letter of the 13th March, 1761, for Salary, Expences of his Table and all other Charges &. Expences whatsoever as President and Governour'.[2] Thus Mr Verelst who succeeded Lord Clive as Governor was to receive a salary of £3,000 a year, in addition to his share of 1 per cent in the commission on the coinage duty and also his commission of 2 per cent 'arising from the Coral and other Licensed Articles Consigned to him by Private Merchants'.[3] It may, however, be noted here that at its meeting held at Fort William on 16th January, 1767,

[1] See the Company's General Letter to Bengal, dated 1st June, 1764, para. 65.

[2] This will be clear if we read para. 45 of the Company's letter to the President and Council at Fort William, in Bengal, dated 19th February, 1762, along with para. 138 of the Company's letter to Bengal, dated 13th March, 1761 :—

The former runs as follows :—

'Para. 45 :—With respect to an application made to us by the President Vansittart wherein he submits it to our consideration whether he might not be Indulged with the additional allowance of one thousand pounds a year which President Clive had (see page 137n) by our directions : You will observe Mr Vansittart's request has been anticipated by the noble appointments we settled upon him by our letter of the 13th March last Pars 59, 138—which appointments must be understood to include the said £1,000—a year as well as all other Emoluments, appointments, & allowances whatsoever.'

The latter says :—

'In the 59th paragraph of this letter, we have directed that President Vansittart and the president for the time being shall be allowed a consulage or commission of 2½ per cent on the net annual revenue of our acquired territories, in order to explain our meaning what the whole allowance to the president is to be we are to inform you that he is to have besides the said 2½ per cent on the net revenue of our acquired territories 1 per cent out of the 2½ per cent coinage duty as regulated in our letter of the 3rd of March 1758, and also 24,000 current rupees a year by way of salary for the Expense of his table and all other charges & expenses whatsoever, which said allowances we do declare to be the whole of the president's appointments, etc. . . . '—See page 134 *ante*.

It seems that the total remuneration provided for in the extracts quoted above, was considered by the Court of Directors as equivalent to £3,000 a year.

[3] See foot-note 5 on page 139 *ante*.

the Select Committee resolved, in view of the fact that the Governor was required to take a restrictive oath and to enter into a penalty bond, that, as Mr Verelst would 'have charge of the Government for several months after his Lordship's Departure without any established Fund for maintaining the Expence and Dignity of his Station', he should, like Lord Clive, draw a commission of 1⅛ per cent on the revenues of Bengal and Bihar[1] till the month of September, 1767.

In its General Letter[2] of 20th November, 1767, addressed to the Governor and Council at Fort William, the Court of Directors strictly forbade its servants to have any concern of their own in the inland trade in general, and in the salt trade in particular. It, therefore, directed that the allowance of 1⅛ per cent commission which had been settled by the Governor and Council on the Governor for relinquishing all share in the salt trade, should be absolutely stopped with effect from 1st September, 1767.[3] While forbidding, however, the participation by its servants in the inland trade, the Court was not indifferent to their interest. 'As the Trade of our Servants,' wrote the Court[4], 'is to be confined to the Articles of Import & Export only, in which they shall be considerably affected by the great Demands for extending the Company's Investments, and considering the great Encrease of Business in which our principal servants are necessarily engaged, and which demand their utmost care and attention, we are come to a Resolution to give them a reasonable Encouragement to exert themselves with zeal and alacrity in their several Departments, but which they are to look upon as a Free Gift from the Hand of their Employers, offered to them annually so long as the present Revenues shall remain with the Company and their Behaviour shall continue to merit such a Reward'. It, therefore, directed[5] the Governor and Council to 'draw out an Annual

[1] See foot-note 4 on page 140 *ante*.
[2] See paras. 88–89.
[3] See *ibid*.
[4] See its General Letter to the President and Council at Fort William in Bengal, dated 20th November, 1767, para. 105.
[5] *Ibid*., para. 106.

account of the sums received from the Duannee deducting thereout the stipulated Payments to the King and the nabob[1] and the allowance[2] to the nabob's ministers; also of the Revenues of the Provinces of Burdwan, Midnapur, Chittagong and the Calcutta Purgunnahs from which are to be deducted Lord Clive's Jaghire[3] and the ordinary charges of Collection'. And upon the amount of the said net revenues the Governor and Council were 'Indulged[4] to draw a commission of two and an half P Cent'. The sum which was 'to be the produce of the said two and a half P Cent' commission was to be divided into one hundred parts or shares, out of which the Governor was to have thirty-one shares, the second member[5] of the Council at Fort William four shares and a half, the other members of the Select Committee at Fort William who were not chiefs of subordinate factories three shares and a half each, and the remaining members [6] of the Council who were not chiefs of subordinate factories one share and a half each.[7]

The large proportion of shares in the commission of two and a half per cent allotted to the Governor was 'in consideration of his relinquishing and not being concerned in any Trade whatever, even in articles of Import and Export, and

[1] See pages 4-6 *ante*. [2] See pages 67-71 *ante*.

[3] Granted by Nawab Jaffier Ally Cawn (Meer Jafar) to Lord Clive. According to the Company's General Letter to Bengal, dated 20th November, 1767 (para. 54), the income from the Jaghire was 222958 sicca rupees per annum.

For further details, see Appendix 8.

[4] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 20th November, 1767, para. 107.

[5] The second member of Council was invariably a member of the Select Committee.

[6] Every member of Council was not a member of the Select Committee.

[7] In regard to the shares not disposed of in this way, the Court of Directors ordered that the unappropriated shares in the commission were 'to be carried to the Company's Credit under the head of unappropriated Commission' till the Governor and Council received its further orders concerning their disposal.—See the Company's General Letter to Bengal, dated 20th November, 1767, para. 119.

It may be noted here that by a subsequent order the Court of Directors made a new distribution of the commission of 2½ per cent of its ***net territorial revenues*** as already explained (see the text above).

all Presents or other Gratifications as expressed in the (Governor's) Deed of Renunciation (i.e., the penalty bond)'.[1] 'Our Inducement,' remarked the Court, 'for annexing so great an Appointment to the Station of President and Governor, is in full expectation of his giving up his whole time and attention to the faithful discharge of his Duty, and that being excluded from all Trade himself, he may, and we accordingly depend, that he be vigilant in watching & detecting all abuses committed by others'.[2]

It may be noted here that the thirty-one shares in the commission allotted to the Governor by the Company's General Letter to Bengal, of 20th November, 1767, were to be received by him in addition[3] to his then salary of three thousand pounds per annum and his 'Mint Duty[4] and Consulage'.[5] The Court stated,[6] however, that although it had directed that the allowance of 1⅛ per cent of the revenues derived from the Diwani lands should absolutely cease with effect from 1st September, 1767, it should be continued to him

In its General Letter to Bengal, dated 23rd March, 1770, para. 182, the Court directed that from the time of the receipt of the letter at Fort William one-eighteenth of the amount of the said commission of two and a half per cent should be deducted and paid as a separate share to Major-General Coote, Commander-in-Chief of all the Company's Forces in the East Indies; and that the balance remaining after such deduction should be divided into one hundred parts or shares, out of which 31 shares should be allotted to the Governor, 4½ shares to the second member of his Council, 5½ shares to Brigadier-General Sir Robert Barker, 2 shares to each of the seven remaining members of the Council, etc.

[1] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 20th November, 1767, para. 112. Also see in this connexion Chapter VI for the actual amount of the commission received by the Governor.

[2] See the letter (para. 112) referred to in the preceding foot-note.

[3] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 113.

[4] I.e., his share in the duty on coinage.—See page 134 *ante*.

[5] I.e., his commission of 2 per cent 'arising from the Coral and other Licensed articles consigned to him by Private Merchants'. The word 'Consulage' cannot refer to anything else here in view of what has been stated before in regard to the Governor's total remuneration.—See page 141 *ante*.

[6] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 118.

thereafter pending the arrival at Fort William of its directions in regard to the distribution of the commission of two and a half per cent of its territorial revenues as authorized by its General Letter of 20th November, 1767.[1]

POWERS OF THE GOVERNOR

Right of Correspondence with the country Powers

In his *Memoirs of Warren Hastings*[2] Gleig has observed in connexion with the office of President that the President (i.e., the Governor) 'may be regarded as bearing to his Council no other relation than that of *primus inter pares*' This statement is substantially correct,[3] as the President and Governor did not possess in those days the power of overriding the majority of his Council or Select Committee and acting on his own authority and responsibility in special cases.[4]

[1] See pages 142-43 *ante*. [2] Volume I, p. 23 (Ed. 1841).

[3] We also find in a letter (para. 9) from Hastings to the Court of Directors, dated at Fort William 11th November, 1773 :—

'The Powers of the Governor, although supposed to be great, are, in Reality, little more than those of any Individual in his Council. Their Compliance, his own Abilities, or a superior Share of Attention, and the Opinion that he possesses extraordinary Powers, may give him the Effect of them, and an Ascendant over his Associates in the Administration ; but a Moment's Consideration is sufficient to discover the Nakedness of his Authority, and to level him with the rest.'—See the 'Fifth Report from the Committee of Secrecy, appointed (by the House of Commons) to Enquire into the Causes of the War in the Carnatic, and of the Condition of the British Possessions in those Parts' (printed in the year 1782), Appendix 5; also Gleig, *Memoirs of Warren Hastings*, Vol. I, p. 370.

[4] Not long after Hastings had become Governor of Bengal in April (13th), 1772, he realised, owing to the absence of this overriding power, the difficulty of his position as Governor both in relation to his Council and to his Select Committee. In a letter, dated at Fort William 7th March, 1773, he wrote to Sir George Colebrooke, among other things :—

'By the constitution of the Company, the Council at large have the supreme authority in all matters which either come in the course of office before their notice, or of which they choose to take cognizance ; but as their power exists only while they sit in a body, so much of it is delegated to the governor, their president, as is supposed to be necessary for giving a continual currency to business, or for executing such of their functions as do not appertain to any distinct office of government. It is not easy to determine what points fall under this description. In effect, the governor is no more than any other individual of the Council, if the others choose to partake of his authority, although the responsibility of affairs seems to rest with him only. An opinion that he possesses something more, and a superior

As a matter of fact, the power to override the majority of their Council and to act on their own responsibility was first

share of diligence or ability, may give him an influence in the administration which he wants constitutionally; but in the latter he may be exceeded by others, and the former must vanish the instant it is put to the test; and whenever these cases happen, the government, for want of a power to preside and rule it, must fall into anarchy.

'These indeed are the inevitable consequences of the ancient form of government, which was instituted for the provision of the investment, the sale of the Company's exported cargoes, and the despatch of their ships, being applied to the dominion of an extensive kingdom, the collection of a vast revenue, the command of armies, and the direction of a great political system, besides the additional charge devolved to their commercial department by its relation to the general trade of the country, and its effect on the public revenue.

'A system of affairs so new, requires a new system of government to conduct it. The variety and importance of the objects which depend upon it, require consistency, steadiness, and despatch, qualities incompatible with a body of men.'

And with a view to removing these inherent defects in the existing system of government, he made some suggestions in his letter for consideration by Sir George Colebrooke. And one of his suggestions was:—

'The president shall have the privilege of acting by his own separate authority on such urgent and extraordinary cases as shall in his judgment require it, notwithstanding any decision of the Council or the select committee passed thereon. On every such occasion the president shall record his resolution to act in the manner above specified in virtue of the power thus vested in him, and shall expressly declare that he charges himself with the whole responsibility.'

It may also be noted here that in his letter to the Court of Directors, dated at Fort William, 11th November, 1773, he made an identical suggestion for its consideration. And in justification thereof he wrote to the Court:—

'Our constitution is nowhere to be traced but in ancient charters which were framed for the jurisdiction of your trading settlements, the sales of your exports, and the provision of your annual investment. I need not observe how incompetent these must prove for the government of a great kingdom, and for the preservation of its riches from private violence and embezzlement . . . I entreat your permission to submit to your consideration such defects in your present system as my experience has suggested to me. . . .

'The powers of the governor, although supposed to be great, are in reality little more than those of any individual in his Council. . . . To draw the line between him and the other members of his administration, and to define the powers which may be entrusted to his charge, would not be an easy task. In me it may be deemed assuming; yet I conceive it to be my duty, because I am convinced that the future prosperity, and even the being of the Company, and of the national interests in this great kingdom, depend upon it. The distant and slow interposition of the supreme power which is lodged in your hands cannot apply the remedies to the disorders which may arise in your state. A principle of vigour, activity, and decision must rest somewhere. In a body of men

conferred upon the Governor-General of Bengal and also upon the Governors of Madras and Bombay by a Parliamentary enactment[1] of 1786. Technically, therefore, the President

entrusted with it, its efficacy is lost by being too much divided. It is liable to still worse consequences, the less the number is of which the body consists, because the majority is easier formed. Fixed to a single point only it can command confidence and ensure consistency. I am compelled to affirm, because I know not by what arguments to prove, what appears to me a self-evident maxim.'

Hastings, however, was careful enough to add in this particular letter that he had no grievance against his then colleagues on the Council, but that he only pointed out a defect in the system of government obtaining in Bengal at that time.

Nothing, however, appears to have come out of Hastings's suggestion to Sir George Colebrooke or to the Court of Directors during his tenure of office in Bengal, either as its Governor or as its Governor-General. But, as shown in the text above (and also in the foot-note below), the change desired by him had to be made in 1786. And it may, therefore, be interesting to refer here to a prophecy which Hastings had made in this connexion in his letter to Mr Laurence Sulivan, dated at Fort William 18th December, 1773. The prophecy ran as follows :—

'I believe I informed you by the Latham of a letter which I had written to the Court of Directors respecting the powers of this government. . . . If you consider my propositions as reasonable, I am assured of a double support of them in your influence from motives of friendship, added to your regard for the service. *Of this I am certain, that at some period not far distant, the powers which I have solicited, or greater, will be given*, whether it be my lot or that of another to possess them; for it will be found impossible for a government so extensive as this is to subsist in a divided power. . . .'

(The italics are ours.)

As stated before, it did not fall to his lot to possess the powers in question. Meanwhile, what is commonly known as the Regulating Act of 1773 came into operation.

For the three letters referred to in this foot-note see Gleig, *Memoirs of Warren Hastings*, Vol. I, pp. 288–93, and pp. 366–77. Also see, for the second letter referred to in this foot-note, the Fifth Report from the Committee of Secrecy, appointed (by the House of Commons) to Enquire into the Causes of the War in the Carnatic, etc., 1782, Appendix 5, and Keith, *Speeches and Documents on Indian Policy*, Vol. I, pp. 34–45.

[1] 26 George III, Chap. XVI.

Ilbert is not correct when he says (*The Government of India*, Clarendon Press, 1916, p. 70) that the power of the Governor-General (of Bengal) to overrule the majority of his Council was *extended* by the Charter Act of 1793 to the Governors of Madras and Bombay. As stated in the text above, this power of overruling was simultaneously conferred upon both the Governor-General of Bengal and the Governors of Madras and Bombay by the Parliamentary Act of 1786 referred to at the beginning of this foot-note.

As we have stated elsewhere (see *The Indian Constitution and Its Actual Working*, Longmans, 3rd Edition, p. 351), the origin of the overriding power of the Governor-General of Bengal and of

was the first among, usually, nine[1] to sixteen 'equals',[2] and every question brought before a meeting of the President and Council was decided, if the whole Council

the Governors of Madras and Bombay is interesting. Under the Regulating Act of 1773 (13 George III, C. 63), if there arose any difference of opinion on any question brought before a meeting of the Governor-General and Council, they were to be bound by the decision of 'the major part of those present'. As a consequence of this provision, Warren Hastings, who had been made the first Governor-General by the said Act, was powerless before his Council. His policies were often frustrated and his decisions overruled by Francis, Clavering and Monson, three of his four Councillors, acting together in opposition to him. 'In 1776,' writes Sir Courtenay Ilbert (*The Government of India*, 1916, p. 50), 'he was reduced to such depression that he gave his agents in England a conditional authority to tender his resignation'. Although his difficulties disappeared, however, with the death of Monson in September, 1776, as he could now have his own way by means of his casting vote, yet the lesson taught by them was there. When Lord Cornwallis was appointed Governor-General in 1786, he made it a condition of his acceptance of the office that he should be allowed to overrule his Council, if necessary. Accordingly an Act (26 George III, Chapter XVI) was passed in 1786, which remedied the defect of the Act of 1773 by empowering the Governor-General to override, in matters of grave importance, the decision of the majority of his Council and to act on his own responsibility. This power had been renewed in subsequent statutes and was also provided for in the Government of India Act.

Also see Ilbert, *The Government of India*, 3rd Ed., p. 67.

[1] See page 193. As an example of ten members, we may cite: 'That with the Governor and exclusive of the military commander the Council of Bengal shall consist of nine members and no more'.—See the Company's General Letter to Bengal, dated 23rd March, 1770, para. 179. Also see pages 192–94 *post* in this connexion.

[2] For instance, we may cite the following statement by Mr Henry Vansittart, President and Governor of Fort William :—

'The powers of the President, the Select Committee and the Council require to be settled and better distinguished I think they might be so regulated as to check and ballance each other, and render the administration of your affairs more steady than it can be at present. In the last disputes I found myself, without the least authority beyond any other Member of the Council, nor could I prevent or put a negative upon the most unjust and unproper (improper ?) Resolution of the Majority. I was obliged to be myself the channel for conveying those Resolutions to the Nabob (i.e., Cossim Aly Khan), otherwise instead of threatening him with a rupture they would immediately have declared a rupture and ordered the Army to march against him so that upon the present footing it is in the power of any majority of the Council to engage the Company in new wars, whenever a Party shall be inclined to make new demands . . . . Most of the members of the Board have been taught by those who were at the head of the party against the late government that everyone had a right to equal authority with the President in the management of all affairs with the Country Powers, consequently they have all formed plans of their own . . . and if your Honours do not take effectual care to prevent it, you may very

had been duly summoned, by a majority of the Council.[1] And a mere change in its personnel would not affect the

soon hear that the present system is voted injurious to the Company's interests or insufficient for the management of the country . . . '—. From Mr Henry Vansittart's Letter to the Court of Directors, dated 8th October, 1763. No date is given in the letter as found in the Imperial Record Office, New Delhi. The date as given above is mentioned, however, in the letter of 24th December, 1763, written by Mr Vansittart to the Secret Committee of the Court. Besides, the following occurs on p. 82 of the Press-list of 1760-69, Imperial Record Office :—' In the India Office Copy the date is 8th October, 1763.' In view of these two pieces of evidence it may be taken as established that the letter in question was dated 8th October, 1763.

The word ' disputes ' in the statement quoted above obviously refers to the differences of opinion in the Council at Fort William on the question of relationship with Nawab Cossim Aly Khan (Meer Cossim).

[1] And, apparently, not by the majority of those present at any meeting. This is clear, for example, from the Company's commissions appointing a President and Council for Fort William, dated 11th February, 1756, and 31st May, 1764. The actual words in both the commissions are :

' And we do hereby give and grant unto our said President and Governor . . . and to Council aforenamed, or the major part of them (the Council being duly summoned) full power and authority from time to time to rule and govern, etc. '

But see foot-note 3 on page 243 in this connexion.

It appears, however, from the Company's commission, dated 12th March, 1766, appointing a President and Council for Bombay, that the President must be one of the majority, whose votes were to be decisive.

We also find in the Company's General Letter to the President and Council at Fort William in Bengal, dated 17th May, 1766, that if the Select Committee at Fort William were ' divided in opinion on any question ', then *Lord Clive would have a casting vote* ; but that this right to a casting vote was ' *not to extend to any other President after Lord Clive's departure from Bengal* '. The italics are ours.

We find, *however*, in Gleig's *Memoirs of Warren Hastings*, Vol. I, 1841, p. 215 :

' Mr Hastings found himself one of a body of persons, each of whom possessed the same weight in the Government with himself. His vote told for no more, in questions of state, than the vote of any other member of the Council, unless indeed there should be a division of opinions so perfect, that a *casting vote might decide it*.' (The italics are ours.)

Gleig is here speaking of the pre-Regulating-Act (1773) state of affairs, and, therefore, according to him, the Governor and President could, before the enactment of what is popularly known as the Regulating Act of 1773, give, in addition to his ordinary vote, a casting vote in case of an equality of votes on any question brought before a meeting of his Council. We have, however, not been able to find any provision for such a power in any direction or letter of the Court of Directors. As a matter of fact, the only reference to the casting vote of the Governor we have been able to find occurs in the Court's General Letter to the President and Council at Fort William, dated 17th May, 1766, as shown above.

system of the Company's Government at Fort William. This will be evident from the following extract from a letter[1] of the President and Council of Fort William to the Nawab[2] of Moorshedabad:

'That as the Nabob seems to conjecture there is a total suspension of Our Government until Lord Clive's arrival, It becomes necessary to explain to him that the system of our Government is always the same and can never lose its force by the change of Individuals—and that *whoever be President*[3] he does the duties of his office, until a succeeding President takes the Chair and jointly with the Council conducts all the Company's business with the same authority.'[4]

Right of Correspondence with the Country Powers

The President and Governor had, however, certain special powers and privileges which contributed much to the dignity, prestige and the influence of his office. For instance, the President and Governor alone was empowered to carry on correspondence with 'the Country Powers' in India. This was made definitely clear by the Court of Directors in its General Letter[5] to Bengal, of 17th December, 1762, in which it stated:

'Respecting the President's correspondence with the Country Powers, we evidently see the necessity it should be

[1] Presumably dated at Fort William, 10th November, 1764, as the letter occurs in the Proceedings of the Consultation, Secret Department, held at Fort William on 10th November, 1764.

[2] (At that time) Jaffier Ali Khan, i.e., Meer Jaffier.

[3] The italics are ours.

[4] See the Secret Consultation, Fort William, 10th November, 1764.

The following extract from the letter of the President and Council (in their Secret Department) to the 'Honble John Baptiste Chevalier Esq., Director and Council of Chandernagore' is also very relevant:

'Honble Sir & Sirs,

'That you may no longer be surprized Gentlemen at Mr Verelst's not signing to our letters it is occasioned by his absence But we beg leaf (*sic*) to inform you that from the nature of our constitution, 'The President and Council of Calcutta, should the Board consist of Three' members only are fully authorized to adopt and propose such measures as they may deem necessary for the support of Government or for the interest of their employers, ... '—Vide Secret Consultation, Fort William, 6th June, 1769.

At this time Mr Verelst was the Governor and President of Fort William.

[5] Para. 51. The letter was addressed to the President and Council at Fort William.

carried on by him solely, as it ever was the Channel, and was enforced in our Letters (Letter ?) to the Presidency under the 1st of April 1760 Paragraph 96,[1] which we now confirm, and positively direct be adhered to and that no one member of the Board presume to correspond with any of the Nabob's Rajah's (*sic*) or their under officers on any pretence whatsoever, however all the Letters the Governor writes or receives from the Country Powers must be copied into a Book and laid before the Board as soon as it may be done with propriety for the inspection of any of the Members as has been before practised.'

'This is so necessary,' continued[2] the Court, 'to preserve the Importance of our Governour that we are surprized new schemes or Doubts should be started on this Head & especially at this Juncture when the Dignity of Our Government abroad ought to be supported by all reasonable and just means and therefore for any of the Members of the Board to start these Doubts can tend only to Embarrassing Government without answering any good purposes whatsoever, therefore we cannot approve of it'. The Court added, however, that, notwithstanding what it had said 'with respect to the Governour's Correspondence with the Country Powers', it was 'its meaning' that he was 'not to undertake or carry into Execution thereby, any affairs of Importance without first communicating the same to and having the approbation and Consent of a majority of the Board (i.e., the Council), agreeable to our former Orders on this Head'.[3]

We also find that at a meeting held at Fort William on 5th June, 1765, the Select Committee resolved, in view of 'the many attempts which have been made to destroy the

[1] Reference here is to the following direction of the Court of Directors:

'The President is to take the lead whenever he sees it necessary and all applications to or disputes with the country powers are to pass through his authority alone.'—See the Company's Public General Letter to the President and Council at Fort William in Bengal, dated 1st April, 1760, para. 96.

[2] See the Court's General Letter to the President and Council at Fort William in Bengal, dated 17th December, 1762, para. 51.

[3] See *ibid.*, para. 52.

unanimity and corrupt the integrity of the Members of the Committee, both separately and jointly, by the Nabob through Nundcomar's influence and other ill disposed persons who are admitted into his presence, . . . that all intercourse with the Nabob, his Ministers and the Country powers be mantained (*sic*) and conducted by the Right Honble the President as the most effectual method to convince those ill disposed persons, that no motives of private advantage, nor desire of encreasing (*sic*) their fortunes, can ever seduce the Members of this Board from the duty they owe to themselves, the confidence they repose in each other, or the steady resolution they have formed to pursue every method that tends to promote the Company's interest and the peace, prosperity and happiness of the Country'.

The President, Lord Clive, having, however, pointed it out how necessary it was 'for the security of his own reputation and of the rights of the Committee' that all his transactions with the Nabob, etc., should be confirmed by the Select Committee, the Committee agreed[1] that His Lordship should be required to lay his correspondence from time to time before it and to communicate to it every measure of importance before it was carried into execution.

Again, in its General Letter[2] to the President and Council at Fort William in Bengal, dated 23rd March, 1770, the Court of Directors enjoined[3] :—

'The Governor singly shall correspond with the Country Powers.'

The Court further stated, however, that all letters, before they were sent by him, 'must be communicated to the other Members of the Select Committee, and receive their approbation'; that all letters whatsoever, which might be received by the Governor in answer to, or in the course of, his'

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 5th June, 1765.

[2] Received by *the Mansfield* on 31st October, 1770.

[3] Para. 180. Also see the Proceedings of the Select Committee, Fort William, of 2nd November, 1770. In these Proceedings the relevant paragraph has been numbered 80. This seems to be an error.

correspondence, should likewise be laid before the Select Committee for its information and consideration; and that all its 'proceedings and correspondence must be regularly entered' on its Consultations and sent home in duplicate.

Moreover, we find that, in connexion with the question of sending an ambassador to Nawab Shuja-ud-Dowlah, Warren Hastings as President remarked, in the course of his minute thereon, on 1st October, 1772[1] :—

'It is their (i.e., the Company's) express order that the Governor shall be the only channell of communication between the Administration and the Powers of the Country. I do not believe it is the Intention of the Board to infringe this Rule or to weaken the Powers which have been placed in my Hands for the support of the Rights and Dignity of our common Masters.'

Lastly, the Council at Fort William also declared,[2] in connexion with the question raised by Brigadier-General Sir Robert Barker in regard to the powers granted to the President, Warren Hastings, solely to negotiate with the Vizier of the Empire (Shuja-ud-Dowlah) at Benares, that it 'judged the investing him (i.e., the President) with such exclusive powers strictly proper and absolutely necessary. It was proper because conformable to the orders of the Company which positively direct the conduct and execution of the Country correspondence to be the particular province of the President'.

It is perhaps unnecessary to point out that this exclusive power of correspondence with the country powers vested in the Governor, certainly added to the importance, dignity, and the influence of his office.

Military Powers of the Governor

The Governor of Bengal was also under the terms of his appointment the Commander-in-Chief of all the Company's forces in the Presidency of Bengal. For instance, the Company's commission, dated 31st May, 1764, appointing

[1] See Secret Consultation, Fort William, 1st October, 1772.
[2] See Secret Consultation, Fort William, 12th October, 1773.

Lord Clive to be the Governor of Bengal, contained[1], among other things, the following :—

'Know ye that we the said United Company............by these presents do make, constitute and ordain the said Robert Lord Clive, to be president and governor of and for all the said Company's affairs in the Bay of Bengal and other the places and provinces thereunto belonging in the East Indies and also to be our governor and commander-in-chief of our Fort William in the Bay and all the towns and territories thereunto belonging and of all and singular the Forts, Factories and

[1] See Appendix 5.

As will appear from the following extracts from commissions of appointment, the President and Governor of Madras was also the Commander-in-Chief of the Company's forces in the Presidency of Madras, and the President and Governor of Bombay Commander-in-Chief of the Company's forces in the Presidency of Bombay.

Madras (the relevant commission of appointment was dated 4th January, 1765)—

'Know ye, that the said United Company.................by these Presents do make, constitute, and ordain, the said Robert Palk, to be President and Governor of and for all our Affairs on the Coast of Choromandel and Orissa, and of the Chingee and Moratta Countries; and also to be our Commander in Chief of our Fort Saint George, and Town of Madraspatnam, and all the Territories thereunto belonging, and of all and singular the Forts, Factories, and Settlements, Territories, Countries, and Jurisdictions thereof, and of all the Forces which now are, or hereafter may or shall be employed, for the service of the said United Company, in the said Forts, Towns, and Places; and to execute all and every the Powers and Authorities thereunto appertaining, by Order and Direction of the Court of Directors of the said United Company for the Time being, etc. ....'

Bombay (the relevant commission of appointment was dated 12th March, 1766)—

'Know ye, that we the said United Company ....by these Presents do make, constitute, and ordain, the said John Spencer, Esquire,................to be President of and for all our Affairs at Bombay and in Surat, Cambay, and Persia, and at Tellicherry, Anjengo, and all our settlements on the Mallabar Coast, and elsewhere, in the East Indies, now under the Direction of Charles Crommelin, Esquire, President, and the Council, of Bombay aforesaid; and also to be our Commander in Chief, and Governor of our Castle and Island of Bombay and of the several Forts thereon, and our Forts of Tellicherry and Anjengo, and of all and singular other the Forts, Territories, and Jurisdictions, belonging thereunto, and of all the Forces which now are, or hereafter may or shall be, employed for the said United Company, in the said Forts, Towns, and Places, or sent from thence by Land or Sea, and to execute all and every the Powers and Authorities thereunto appertaining, by Order and Direction of the Court of Directors of the United Company for the Time being, etc...........'

Vide the Commons' Report, First, 26th May, 1772, App. 1.

Settlements, Lands, Territories, Countries and Jurisdictions belonging to us within the Subaship of Bengal, and of all the forces which are now or hereafter may or shall be Employed for the service of the said United Company in the said Forts, Towns and Places; and to execute all and Every the powers and authorities thereunto appertaining, by order and direction of the Court of Directors of the said United Company for the time being, etc.............'

Mutatis mutandis, the commission, dated 11th February, 1756, appointing Mr Roger Drake, Junior, President and Governor of Bengal, had contained practically these very words. This dual position of the Governor often led to conflicts between him and the actual commanding officer of the Company's forces in Bengal, who was also often[1] called the Commander-in-Chief. We may cite here one instance.

It appears from the Proceedings[2] of the Select Committee at Fort William that Colonel Richard Smith, 'Commander-in-Chief under the Presidency' (of Fort William), had issued, on 17th January, 1768, a general order subjecting 'the Native Troops' to British martial laws, and that even some prisoners had been condemned by courts-martial held under this order. He had issued the order without the 'previous concurrence' of the Select Committee or of the President and Governor of Fort William. We are not concerned here with the merits of the measure taken by Colonel Smith. He had required, however, implicit obedience to his order, and the native troops had no 'choice left of serving or not under the British Laws—a Right', the Committee held, 'every human Being may demand, who is not bound in servitude by absolute Tyranny'. The Committee said[3] that it knew that the Government[4] had 'long been endeavouring to introduce into the Sepoy Corps' such parts of the British martial laws as were

[1] For instance, Colonel Smith was addressed as Commander-in-Chief under the Presidency.

[2] Dated 18th March, 1768; and also dated 27th April, 19th July, 3rd August, and 4th September, 1768.

[3] See the Select Committee's letter to Colonel Smith, dated at Fort William, 18th March, 1768, in the Proceedings of the Select Committee, dated 18th March, 1768.

[4] I.e., the Government at Fort William.

not inconsistent with their customs and their religion. 'Too sensible', however, 'of the fatal consequences[1] which might arise from such an Innovation of the Privileges of the native Troops' as made by Colonel Smith, it had not, the Committee further said, deemed it prudent to issue up till then any orders of this nature as 'they merited a most serious attention'. Moreover, it was very doubtful if such an authority was legally vested in it. It, therefore, disapproved of the action taken by Colonel Smith as 'most highly improper', passed a censure on him for his conduct, and deemed him 'highly culpable'. Colonel Smith had also transmitted his order to the troops at the Presidency.[2] This was specially resented by the Committee as it amounted to 'assuming a command more independent of the Civil Authority than is consistent with the Establishment of this Government'. The Committee was not satisfied with a mere expression of its strong disapproval of the action taken by

[1] The consequences apprehended were the possibility of a revolt on the part of the native troops when the life of every one of them was suddenly made 'forfeitable by Laws he is quite a stranger to'.—See the letter referred to in foot-note 3 on page 155.

[2] I.e., the garrison at Fort William.

The Select Committee had also written to Colonel Smith in its letter, dated at Fort William 10th February, 1768 :—

'The President has also communicated to us the Orders you caus'd to be issued to all the Brigades on the 17th Ultimo, whereby the Black Troops are to be subjected to the British Laws. Altho' we earnestly wish to effect a Measure which must tend to the better Regulation of our Army, yet where the Life of everyone of them is become forfeitable by Laws he is quite a stranger to, we think some Time is requisite to instruct them with the Nature and Consequences of them, nor* it can be expected he will tamely submit to such an Innovation. And as by far the greatest part of our Military Force is compos'd of those very persons who are thus compelled to our Mode of Government the consequences of a refractory Behaviour must be fatal, & all our Endeavours hereafter to effect so good a purpose may be frustrated.

'We therefore not only deem you highly culpable in issuing a General Order of such Importance throughout the whole body of our Forces without previously obtaining our Permission or that of our President, but in transmitting the same down to the First Brigade acting under the immediate Orders of the Presidency. We must tell you that had the Select Committee for such your conduct dismissed you the service they would have but done their Duty, but as they were willing to think that you did not premeditatedly design an Insult upon their or the President's authority, they shall at present content themselves with directing you immediately to revoke the order issued

Colonel Smith. It even directed[1] him to 'effectually revoke the order of the 17th January, and suffer all Proceedings of Sepoy Courts Martial to be conducted in the manner they were formerly'. It left it to him, however, to revoke the order in such manner as might 'the least tend to lessen his Authority in the Eyes of the Army'. The Committee also stated that it had long been observing with concern that his 'Notions of Subordination & Obedience' had been contrary to those of the Committee; and that the many disputes that had arisen in consequence, had forced it to bring the whole (controversy) 'to a short Issue' by distinctly pointing out to him the degree of subordination in which he as well as every other commanding officer on the Bengal 'Establishment' stood in relation to the Governor and the Select Committee at Fort William.

In regard to the question of the position of the Governor in relation to the commanding officer with which we are now concerned, the Committee, therefore, wrote[2] to Colonel Smith that the Governor of the Presidency of Fort William, by virtue of his appointment as Commander-in-Chief of all the forces employed in it, had 'an undoubted Authority to issue such Orders to the Troops' as the Select Committee or he might judge conducive 'to the better Regulation of the Army', and that it was the duty of 'the Commander of the Forces' as well as of every other officer in the service of the

on the 17th Ultimo, in the same publick manner as it was given out and with assuring you that a like Behaviour on any future occasion will meet with their highest Resentment'.

*(In one copy of the letter the word is: 'ere. This word is more appropriate.)

—*Vide* the Select Committee Proceedings, Vol. 24 (in the Imperial Record Department, New Delhi); also Colonel Richard Smith's letter, dated at 'Head Qrs at Myr (illegible)' 2nd March, 1768, to the President and Select Committee at Fort William, in the Proceedings of the meeting of the Select Committee held at Fort William on 18th March, 1768.

[1] See the Select Committee's letter to Colonel Smith, dated at Fort William 18th March, 1768; also Proceedings, Select Committee, Fort William, 18th March, 1768.

[2] See the Committee's letter to Colonel Smith, dated 18th March, 1768; also the Proceedings of the Select Committee, Fort William, of the same date.

Presidency, to obey, and to enforce obedience to his orders. 'The Governor being to all Intents and Purposes', the Committee continued, 'at the Head of every civil and military Department, it is both necessary and proper, his authority as such should be preserved inviolate. Therefore it becomes the immediate Duty of the Commander of the Forces and of every other officer commanding a Detachment, not only to send Returns to the Governor, but to correspond with him also; giving him immediate information of every Detachment made, of any particular Orders which may be judged necessary to be issued; and in short of all material Occurrences whatsoever—That no military appointment should be made without the Governor's previous Concurrence, except in Cases of Necessity, when immediate notice thereof must be transmitted to him, and his Approbation must Confirm such Appointment; For he being accountable to the Select Committee, and the proper Channel through which their orders are conveyed; it cannot admit a Doubt, but that his orders must be implicity obeyed by every Officer in the Army'.

'These are the Points of View', the Committee concluded,[1] 'in which we regard the Select Committee's, & the Governor's Authorities, and we direct the strictest observance of these our orders'.[2]

Thereupon, at a subsequent meeting of the Select Committee held on 27th April, 1768, Colonel Smith who was

[1] See the letter referred to in the last foot-note.

[2] We may also note here what the Select Committee had written to Colonel Smith in a previous letter, dated at Fort William 13th October, 1767, in reply to his, dated 16th September, 1767, at his Head Quarters near Allahabad :—

'We are . . . . to acquaint you that altho' Major General Lord Clive by his Commission superseded Brigadier General Carnac, agreably to the established Rules of the army ; yet in the Instance you mention, his Lordship derived his authority, not from his Commission as Major General, but *solely from his Station as President and Governor of this Settlement, whereby he became the Commander-in-Chief of all the honble Company's Forces within the Jurisdiction of this Government.*

'You were pleased, once before, to move this subject to the Committee; and you are no stranger to the Reasons why our opinions do not appear upon Record. The Subordination requisite to the service, the Respect essentially annexed to the Station of President, and the superior Influence to any other Member of the Community (Committee?)

himself present there as a member of the Committee, put the following question[1] to it in regard to its directions:—

'Do the Committee intend by this[2] Decree, to invest the Governor with Authority to send of himself, at all Times, and on all occasions, whatever orders he shall judge necessary, to Colonel Smith, or to the Commanding Officer of the Army?'

After Messrs Floyer and Becher had expressed their views on the question raised by Colonel Smith, Mr John Cartier who later on succeeded Mr Verelst as Governor of Bengal, stated, in answer to the Colonel's question, that he was of opinion that every order sent by the Governor to the Commander of the Army, which might relate to the appointment of officers, or to the sending out of small detachments, should be punctually obeyed. This also applied to any order of a general character which the Governor might issue. He did not think, however, that the Governor had any authority vested solely in him, 'of sending an order to the Commander of the Army to engage either in distant or important Enterprizes, or any Treaties whatsoever'. That power he thought was solely vested in the Select Committee. The President, Mr Verelst, entirely agreed with Mr Cartier's views. At the same time he considered himself, as Governor, responsible at all times to the Select Committee for all orders he might issue.

which he ought to enjoy, all require, that no Servant upon this Establishment should tread closer upon the Heels of a Governor, than is expressly authorized by the Court of Directors. To dispute with him a Power which he and his Predecessors have hitherto enjoyed, not only by the Constitution of this Government, but by actual Commission from our honble Masters may be considered as an attempt to *retrench his Prerogative and diminish the Influence of his Station without Reason, without Necessity, & to the subversion of all order.*

'We mean not, Sir, to decide arbitrarily, but agreably to the Principles and Constitution of this Government, which require that the President and Governor should be *considered as the supreme Magistrate in military as well as in civil affairs.*

'Without entering upon the argument, it will be necessary you should know our opinion, in order that no future Misconstruction may arise. . . . .'

(The italics are ours.)

—*Vide* the Proceedings of the Select Committee, Fort William, dated 13th October, 1767; also the Proceedings of the Select Committee, Fort William, dated 3rd October, 1767.

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 27th April, 1768. [2] See page 158.

Colonel Smith then expressed his own sentiments before the Committee, and further desired to deliver a minute in reply to the views stated by the other members of the Select Committee. The Committee, therefore, agreed to defer coming to any final decision on the question asked by the Colonel.

The debate on the question of the Governor's jurisdiction in regard to military matters was resumed by the Committee at its next meeting [1] held at Fort William on 19th July, 1768. Colonel Smith first read out his minute in reply to the views of his colleagues on the question, as expressed at the previous meeting [2] of the Committee. In the course of his minute he said that by its letter [3] of 18th March, 1768, in which the Committee had positively enjoined him to obey all orders from the Governor, he had been 'bound to pay the strictest obedience indiscriminately to every Order whatsoever', which he 'might have received from the Governor', and that, consequently, the most minute disobedience on his part to any order the latter might have issued to him, would have subjected his life and honour to the sentence of a general court martial. Further, firmly persuaded that no such power had been vested in the Governor and fully convinced that the Committee could not invest the President with any such power without surrendering its own authority, he had called upon it to state its views on this point, 'so that it might be brought to a final Issue.' He also held that the opinions expressed by the other members of the Committee in regard to the question asked by him were liable to great objections as they were so vague and indefinite, and left the subject in dispute equally open to controversy as before. 'In points of Military subordination', he continued, 'there ought not to be left the smallest Room for Doubt or Misconstruction, otherwise confusion must infallibly ensue, and the service inevitably suffer'. In conclusion, he said that he could not close his minute without expressing his surprise that, after what had

[1] *Vide* the Proceedings thereof.
[2] I.e., the meeting held on 27th April, 1768.
[3] See pages 155–58.

passed on this subject in Committee, before he had 'gone to the Army' in April, 1767, the Governor in his absence 'should have again endeavoured to obtain that Degree of sole Power as a Right, which he knew to have been a Point so repugnant to the majority of a former Committee, although no Resolution in Consequence appears on our Records, for Reasons very well known to the President'.

In reply to this minute Mr Verelst made a long statement before the Select Committee, as President[1]. Among other things, he said that 'the repeated and unprecedented attempts' made by Colonel Smith to wrest from him 'a principal part' of his 'Prerogative' had 'opened such a source of Dispute & Disagreement between that gentleman and the other Members' of the Committee and had engrossed so large a portion of that time which should have been devoted to affairs of public utility, that the Committee's duty to the Company no less than its 'private satisfation' demanded a final issue. The Colonel's minute which 'in a dictatorial style' threw out 'an unmerited censure on the Committee', and the last paragraph of which cast an invidious reflection on his conduct, was a convincing proof, Mr Verelst held, of the improper length to which the subject had been discussed, and pointed out the absolute necessity of settling it in a manner which would admit of no further controversy. Continuing, he said[2] to the Select Committee that Colonel Smith had 'throughout this Affair' been acting not only contrary to the opinion of the Committee, but even contrary to what he must know was and ever had been 'the Constitution of this Government; and likewise in direct opposition to the declared sentiments of our Honble Masters, who, thro' a Foresight founded on experience, have repeatedly cautioned us against any Incroachment of the military against the Civil Power, and have ordered us to be watchful in preventing the army from effecting an Independency even in the most trivial Cases'. What then would their astonishment be, asked

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 19th July, 1768.
[2] See *ibid.*

Mr Verelst, when they would learn that their commanding officer had for such a length of time been struggling to shake off the strongest bond by which he was subjected to the civil authority? What would be the sentiments of his predecessor in the Chair (i.e., Lord Clive) 'whose whole Life almost has been spent in the Camp, and whose Conduct in Government has experienced such universal Applause'? 'Peruse the Letter', he continued,[1] 'which he presented to the Committee at his Departure. Observe there how earnestly he advises the strictest Eye to be kept over the army & foretells the Consequences attending a Relaxation of our authority'.

'I do therefore give it as my Opinion to this Committee', observed[2] Mr Verelst in conclusion, 'that it is incumbent on us to keep the stream of authority in the present channel. It is not for my own sake that I give my Vote against these unprecedented & dangerous Incroachments; it is for the sake of my Employers, for the Preservation of that system on which alone this Government can be supported, and by which our valuable Possessions are to be secured. Could the Company reap any the smallest Benefit from the Change, I would freely resign this important Trust to the Colonel.... since no view of Public Good can be answered by my resignation of the point in question, my determined Resolution is to give up my Title & authority of Commander in Chief at the same time that I quit the reins of Government.

'It remains to add, that unless some effectual measures are pursued for the Removal of these Disputes which have for so long a time disturbed the Committee, & for the re-establishment of concord & agreement, we must expect the Censure of our Employers at Home, who will undoubtedly be much alarmed at the Beholding of Discord amongst our Councils; as the continuance of it cannot in a greater or less degree but be productive of dangerous consequences to their possessions in Bengal'.

[1] See the Proceedings referred to in foot-note 1, page 161.
[2] See *ibid.*

After Mr Russell[1] had been called in and examined at the instance of the President and Colonel Smith, and after Messrs Floyer, Becher and Cartier had delivered their minutes in reply to that of Colonel Smith, the Select Committee came to the following decisions :—[2]

'The Select Committee having attentively perused the several Minutes delivered in by the Members of this Board: and held a long Debate on the Powers vested by them in the Governor, together with the sentiments therein expressed of the state of subordination in which a Commander in Chief under the Presidency should be regarded towards the Governor as Commander in Chief of the Forces,

'It is now Resolved & Agreed by the Select Committee to confirm the Governor's appointment of Commander in Chief of the Forces, and all Orders issued by the Governor within the Limitation prescribed by the Select Committee are to be obeyed, as the Orders of the Commander in Chief of the Forces.—The Committee further invest him with Powers, to issue such General Orders as may be deemed by him necessary & proper for the better regulation of the Troops—To order Detachments, and to direct their operations during the course of their services, provided no one Detachment exceeds Captain's Command—To appoint subaltern officers, whose Commissions are signed by him alone, in virtue of his authority as Governor & Commander in Chief—and to correspond with the several Commanding Officers in the Army, wherever they may be stationed.

'And it is further Resolved, that the Governor shall be responsible to the Select Committee: to whom he is at all Times to make known the Orders he may issue to any such Detachments; and that their Orders, whenever they may think proper to issue them, shall supersede any sent from him alone'.

The President expressed great satisfaction at the decisions of the Select Committee as they entirely agreed with the

[1] I.e., Mr Claud Russell, Military Pay-Master-General.—*Vide* Proceedings, Select Committee, Fort William, 20th July, 1768.
[2] See Proceedings, Select Committee, Fort William, 19th July, 1768.

ideas which he said he had always entertained regarding the Governor's authority in the military sphere.[1]

Colonel Smith, however, next requested the opinion of the Committee as to whether the President could on any occasion whatsoever take upon himself the command of the army in person.[2]

After Messrs Floyer, Becher and Cartier had stated their views on the question, the Committee unanimously expressed[3] the opinion that upon all occasions the Governor should be 'received at the Army, or in any Garrisons, with all the Honours due to a Commander in Chief', but that he could not 'take upon himself in Person the Command of the Army, or any Part of it'. The Committee also agreed that these sentiments might be more fully expressed in the instructions to be given to the President, should it at any time judge it necessary for him to leave the Presidency (i.e., Fort William).

Colonel Smith again raised the question of the Governor's authority in the military sphere at the meeting[4] of the Select Committee held at Fort William on 3rd August, 1768. In the course of a long minute in reply to that[5] of the President (i.e., Mr Verelst) delivered on 19th July, 1768, he observed that when Mr Verelst had succeeded Lord Clive as Governor of Fort William, it appeared clearly to him (i.e., Colonel Smith) that he (i.e., Mr Verelst) had then 'thought himself invested with the same extensive Powers as the noble Lord in the Military as well as the Civil Department'. This mistaken view of his position had been, according to the Colonel, 'the original source of all our Differences in Opinion'. 'I have', continuing, the Colonel said to the Committee, 'constantly opposed this Idea—the same opposition I should have made to it had I been only a Member of this Committee, and not your Commander in Chief from a firm Persuasion that it was a new and unconstitutional Power, the Exercise of

[1] See Proceedings, Select Committee, Fort William, 19th July, 1768.
[2] See *ibid.*
[3] See *ibid.*
[4] See the Proceedings thereof.
[5] See pages 161–62, *ante.*

which might sooner or later prove fatal to the Welfare of this Country'. 'The final issue of this Debate', he observed in conclusion, 'has proved that there was a cause for the objections I have made since the Sel.[1] Committee have deemed it necessary to affix Limitations to the President's Military authority and now let me quit India whenever I may, I shall always think I have rendered a very essential Service to the Company in being instrumental in accomplishing this necessary Restriction'.

This made Mr Verelst deliver a counter-minute at a meeting[2] of the Select Committee held at Fort William on 4th September, 1768, in which he stated, among other things, that 'Our Honble Masters'[3] had been so particularly explicit and determined 'in their Letters of this Season' concerning 'the subordinacy of the military to the civil Establishment' that any answer of his to Colonel Smith's minute of 3rd August, 1768, might seem to imply a desire for prolonging disagreeable altercations. He begged leave, however, to lay before the Committee the following extract from a letter from the Court of Directors to the President and Council of Fort St. George, dated 19th February, 1766, as, he thought, it would 'serve as a commentary to what' the Court had written to the Committee itself on the same subject, and demonstrate that it had not only 'directed the Military in General to be subordinate to the Civil Administration', but that it had considered the Governor as, and intended that he should be, 'the head of both these Establishments':—

'Para 24.—In the mean Time we cannot suffer the least Doubts to remain on a Subject of this Importance and therefore we do hereby Establish as a positive Order never to be departed from, that the Civil Power in all our Settlements shall be superior to and command the military, that our Governor for the time being shall be considered by virtue of the Commission he bears from us, derived from the

[1] Obviously 'Select'.
[2] See its Proceedings.
[3] I.e., the Court of Directors.

Company's Charter, as Commander in Chief of Our Forces[1] the superior Military Officer, and in Consequence thereof invested with a power of commanding all others of putting such in Arrest who shall disobey his orders and in general, with every Power belonging to a superior or Commanding Officer.—And if at any Time any Officer in our Service of what Rank soever, even tho he should bear a Brevet or Commission from the King shall refuse to obey the Orders of our Governor, or to acknowledge himself subject to arrest by his Command, it is our positive Orders that such Officer be from that Moment dismissed our service.—And that our military servants may be fully apprized of this our Resolution, you are to cause a Copy of this Paragraph to be delivered to the Commanding Officer under the Presidency to be by him communicated in the proper form to all under his Command.'

The limitation of a Governor's powers, either military or civil, continued Mr Verelst, on which Colonel Smith laid so much stress, did not 'affect his Rank either as President or Commander in Chief'. And although his authority might be restricted, he would still remain 'superior to all others in both Departments.' Further, whatever satisfaction Colonel Smith might feel 'at the Line being drawn for the Authority of the Governor independent of the Committee', his was not less sincere; and he should consider himself happy if the bounds defined for him 'should prove on any future Occasion an effective Barier[2] (*sic*) against all Encroachments of assuming Power'. In regard to the insinuation contained in the last paragraph of Colonel Smith's minute, Mr Verelst remarked that the Colonel must well remember that 'the primary source of this dispute' had not been the question of the Commander-in-Chief's authority, but whether 'the Supreme rank in the Civil and military Departments' had been 'vested in one or in

[1] In another copy :—' That our Governor for the time being shall be considered by virtue of the Commission he bears from us (and derived from the Company's Charter) as Commander in Chief of our Forces, The Superior Military Officer and in consequence', etc. *Vide* Secret Consultation, Fort William, 26th September, 1770.

[2] In another copy the word is 'barrier'.

different persons'. He had always been of opinion that it had been vested in the person of one, and had always been equally 'sensible of the Propriety of due Limitations to the Authority of that one'. He deemed himself accountable to the Committee for every public act and he had, therefore, even made it his principle to consider the members thereof as his 'Coadjutors in forming (framing ?) measures rather than make them the Judges of those Measures when carried into Execution'. As a consequence, he said, he had never wished to issue a single order of the smallest importance without their knowledge or approbation, and he had always made them acquainted with every step he had taken, although this was not necessary in many cases.

We have given above a brief account of the controversy that took place between Colonel Smith and Mr Verelst over the question of their respective jurisdictions in regard to military matters. And it appears from a letter[1] of the Select Committee, dated at Fort William 13th September, 1768, that the whole controversy, together with the relevant proceedings of the Select Committee, was referred to the Court of Directors for decision. Mr Verelst also wrote to the Court of Directors on 25th September, 1768, that he was 'sorry to be obliged to remark an interruption in the harmony of our Debates, and Resolutions from the disputes which have occurred between Colonel Smith and myself concerning his right to the supreme military authority: and the more so as they have engaged too much of that time which might have been dedicated to more important purposes'. Nevertheless, he said, as his preconceived ideas so happily corresponded with the orders which the Court had thought it expedient to issue 'concerning the Governor's preeminence in all Departments', and as his views had tended solely to the support of

[1] Addressed to the Court of Directors. It also appears from the same letter that Colonel Smith had requested the Select Committee to inform the Court of Directors of his intention to resign his commission as soon as the affairs of the Company would permit this; and that the Committee deemed it necessary to communicate this information to the Court, and at the same time recommended to it in the strongest manner Colonel Sir Robert Barker for appointment in the place of Colonel Smith.

the civil authority, and not to any extension of his own power, he flattered himself that the Court would approve of his steady opposition to the Colonel's claim.

In reply, the Court of Directors wrote to the President and Council at Fort William, in its General Letter[1] of 30th June, 1769, as follows :—

'Para 42—We are much surprized at the many questions which arose in the disputes between our President Mr Verelst and General Smith concerning their respective Military Authorities. As a full answer to the whole, in a few Words, You are to understand that our Governor is to all Intents and Purposes the Commander in Chief of our Forces & *whatever*[2] *orders he sends to any officer, must be obeyed.*[3] He is answer-

[1] Received by the *Lapwing*. [2] The italics are ours.

[3] It should be mentioned here that the dual position of the President of Fort William as its Governor and Commander-in-Chief would sometimes create a disagreeable situation for subordinate officers in the Company's army. As will appear from the following correspondence, such a situation arose in 1772 for Colonel Alexander Champion, Commanding Officer of the 1st Brigade at that time. In a letter written from his Camp near Benares on March 28th, 1772, he wrote to the President and Select Committee at Fort William as follows :—

'Gentlemen

I yesterday received from the Honble John Cartier (President and Governor) Esqre Orders to halt with the Troops under my command till I receive further orders from him since which I have received orders from the Commander in Chief (Sir Robert Barker) to advance which I now cannot comply with unless I act in disobedience to your orders—I therefore hope as this is a disagreeable situation for me and may be attended with evil consequences hereafter, that you will please to send me instructions in what manner I am to act.

The General has requested a Detachment from the Troops with me, but that also is not in my power to comply with—should the Commander in Chief after he has received your Orders send me Instructions I shall think it my duty to pay a proper attention to them'.

He then enclosed with his letter the letter he had last received from Sir Robert Barker. It ran as follows :—

To Colonel Alexander Champion
Commanding the 1st Brigade.

'Sir

Upon receipt of this you will be pleased to detach two Battalions of Sepoys and 4 Six Pounders from the division of the Artillery attached to your Brigade to proceed and join me with all expedition at Shawabad and you will yourself follow with the remainder of your detachments by such marches as you shall find the Europeans able to bear.

Camp at Saundee, I am, etc.......'
22nd March 1772.

able to us for the use he makes of this Power, and if he takes upon himself to give orders without the consent of the Council or Select Committee upon points belonging to their management he will suffer our severest Resentment.'[1]

Mr Verelst had also inquired at the meeting of the Select Committee[2] held on 4th September, 1768, whether under the orders of the Court of Directors then in force and 'the

The Select Committee referred the letter of Colonel Champion to the President and Council of Fort William (in their Secret Department), for necessary action. The latter wrote to the Colonel in reply the following, among other things:—

'We do not understand the cause of your hesitation since the orders you received from the President were clear & express that you should halt with the Troops under your command till you received further orders from him & of course superseded all other Orders, excepting such as you might receive from the Select Committee or from the Board (i.e., the Council itself). Though we are entirely satisfied with your conduct on this occasion yet we cannot pass unnoticed your declaration that if the Commander in Chief after having received the orders of the Select Committee should send you Instructions you should think it your duty to pay a proper attention to them. We must inform you that *we should have deemed such a proceeding highly improper and directly subversive of the rules of the service.*

'We now direct you to obey such Orders as you may after the arrival of this Letter receive from General Barker to whom we have written by this night's conveyance.

Fort William, We are, etc.
16th April 1772. Warren Hastings'
& others.

(The italics above are ours.)

—*Vide* the Secret Consultation, Fort William, of 16th April, 1772. The extracts quoted above from the letter of the President and Council to the Colonel emphasizes the subordinate position of Sir Robert Barker as Commander-in-Chief in relation to the President of Fort William.

[1] There was another little incident which showed the position of the Governor in relation to the Commanding Officer. It appears from the Proceedings of the meeting of the Select Committee, held at Fort William on 15th December, 1769, that Mr Verelst had written a certain letter as President to General Smith, Commander-in-Chief under the Presidency of Fort William, on 21st December, 1768, and that he had received no reply to it from the General. He, therefore, inquired of the Select Committee whether the General had not behaved with disrespect towards him in not replying to his letter. The Committee was of opinion that if the General had received the letter from the Governor, it was his duty to have replied to it, and that in not doing it or offering an apology therefor he had behaved with disrespect towards the Governor.—*Vide* Proceedings, Select Committee, Fort William, 15th December, 1769.

[2] Mr Verelst also asked this question at a meeting of his Council held on 6th September, 1768.

Constitution of the Service', a Governor proceeding up the country to places where troops might be stationed, should or should not have the 'Privilege of a warrant from the Council (at Fort William) for appointing General Court Martials (*sic*)'.

The reply to this question was given by the Court of Directors. It stated in its General Letter[1] of 30th June, 1769, that the Governor was not himself to hold on any occasion 'a Warrant for appointing General Court's (*sic*) Martial'; that 'those Warrants' were to be granted by the Governor and Council to such officers as would be 'sent upon distant Commands' and 'the Proceedings' of the Courts-Martial were to be transmitted to the Governor and Council for approbation; and that 'it would therefore be very improper that the Governor should hold any Power of this sort from the Board (i.e., Council) which is to approve the Proceedings, he himself being President of that Board'.

We may cite one more instance of the conflict[2] between the Governor of the Presidency of Fort William and the 'Commander in Chief of the Forces under the Presidency'. This occurred in 1773 when Warren Hastings was the Governor and President of Fort William and Brigadier-General Sir Robert Barker was the Commander-in-Chief. Briefly speaking, the cause of the conflict was the exercise of certain powers by the President by way of 'promotions to the command of sepoy battalions', 'the removal and posting of officers to different corps', making certain appointments and 'forming arrangements' in the army, etc. The Brigadier-General had complained[3] that 'promotions to the command of sepoy

[1] Para 43. The letter was addressed to the President and Council at Fort William and sent by the *Lapwing*.

[2] See Secret Consultation, Fort William, Thursday, 16th December, 1773; also see Forrest, *Selections from the Letters, Despatches,* etc, 1772–85, Vol. I, 1890, pp. 82–89.

[3] See the Brigadier-General Sir Robert Barker's letter to the Council at Fort William, dated at Benares 4th September, 1773. The letter had been actually addressed as follows :—

'To William Aldersey Esqre
& to the rest of the Gentlemen of the
Council at Fort William'.

Hastings had been away from fort William.

—See Secret Consultation, Fort William, Thursday, 23rd September, 1773.

battalions, removal of officers to different corps, and nominations to public offices', etc., had been 'made without his authority or advice'; and that this had tended 'to weaken his authority and deprive him of the means to execute the essentials of his trust'. He had conceived 'it to be the office of a Commander in Chief to regulate the Discipline, Manners, and Conduct of the officers & soldiers under his Command'. The Commander-in-Chief had been 'enjoined to it by the tenor of his Commission', and the Brigadier-General had believed 'it also to be a received Opinion' that an officer who was 'to Effect such a business should be invested with the Power of bestowing rewards as well as punishments, since these are the grand points on which only he can carry command'. 'Men', he had said, 'who do not look up to their Chief for Promotion in Life, become indifferent, and regard his Advice, & orders, merely because they must Obey, but such Obedience is barely within the letter of the Law, and to escape the Censure of a Court Martial is all they Aim at'.

'How is it possible for him to execute this trust,' the Brigadier-General had asked, 'when he has neither the power or authority of rewarding those who Merit, or the Expectancy of any advantage arising to the service from his disapprobation or Censure on those who misbehave?' For these several reasons he had declared it 'impracticable for him to carry on a proper Command or to enforce, Discipline and subordination in the manner in which' it was necessary 'to conduct so large an army or in short to execute with propriety the trust reposed in him and what his employers' expected of an officer like him; for 'if the President and Council and the President by himself, take upon them the sole arrangements of corps, the nomination of every Post in the army, the forming of every Detachment and the appointment of every officer to Command', then, he had said, it did not appear to him that there was 'any occasion for the appointment of Commander in Chief'. And it appears from his letter, dated at Benares 4th September, 1773, addressed to

the President[1] and Council at Fort William, that the Brigadier-General had actually requested permission to resign his post.

Warren Hastings delivered a long minute in his own defence at a meeting of his Council held at Fort William on 16th December, 1773.[2] Among other things, he observed: 'The collective Body of the Council are or ought to be possessed of an absolute and uncontroulable Authority over every office and every Department of the Government. But in the detail of Business and in the execution of their orders which they have entrusted to others, they should impose upon themselves the Rule of avoiding to interfere, but on very necessary occasions, of which they only can be the Judges'. The powers of the Council devolved, however, he maintained, 'on the Governor during the intervals of the meeting of the Board, with the same cauticnary reserve in respect to the detail and executive business, and with the exception of such matters as either by express Rule, by usage or by their evident importance', were 'only cognizable by the Board'. 'If these principles are just,' he continued, 'the Board may easily determine every Question respecting the duties of the Governor in the Military Department by applying it to them'. 'Such points', he said in conclusion, 'I leave to their (i.e., the Council's) fuller discussion, expressing only my wish to have them determined and a line drawn which may enable me to execute this part of my duty without doubts of the propriety of my own conduct and without exposing it to the censure of others'.

In a short reply to the minute of the President, General Barker maintained[3] that it was 'the undoubted, and required (*sic*) Province of a Commander-in-Chief to object to persons either unworthy, or improper for so material a trust as The command of a Battalion of sepoys.'

[1] The letter in question had been, as already noted, addressed to '*William Aldersey* Esqre and to the rest of the Gentlemen of the Council at Fort William'. Hastings had been away from Fort William.—See Secret Consultation, Fort William, Thursday, 23rd September, 1773. The italics are ours.

[2] See Secret Consultation, Fort William, Thursday, 16th December, 1773.

[3] See *ibid*.

On hearing both the Governor and the Brigadier-General, the Council first stated[1] that the charges of the General being chiefly confined to the President's execution of the duties of his station as Governor, they had 'most properly been replied to by him.' But, it said, when it saw the conduct of the President apparently censured and the charge imputed to him of usurping the exercise of an authority which did not fall within his province, and when the allegation had been made that the President's action had tended 'to injure the public service by weakening the necessary powers of the commanding officer', it owed it to the Court of Directors to declare its 'opinion, grounded not on partiality, but observation', that his conduct in the exercise of his military command had been strictly regulated by the principles of equity and moderation, and in no instance had 'exceeded the usage of his predecessors'. It also disapproved of the strictures which the Brigadier-General had passed on the Governor of the Presidency, who was 'doubtless not nominally but actually the superior of both Departments and invested by The Company with a particular share of responsibility in the superintendance (*sic*) and Regulation of that of the Military.' Further, it maintained that the Governor had of course a right to exercise the powers of that station to the fullest extent, and 'should on all occasions be qualified to judge and determine on every military point which does not depend on a mere professional knowledge'. With him and with itself, the Council continued, the sentiments of the commanding officer would ever be allowed the greatest weight in all affairs of a military nature, but it could never acquiesce in the unbounded right the General seemed to lay claim to 'of recommending to all promotions and commands'. To grant him such a right would in fact be investing him with the sole power of promotion and rendering him, as the General had himself expressed it, 'the source of rewards as well as punishments'; for his recommendation must either be invariably and implicitly received or 'a constant scene of dispute and contention' would 'ensue between him & The

[1] See Secret Consultation, Fort William, 16th December, 1773.

President, and him and the Board (i.e., the Council)'. Moreover, if the General's construction was admitted, 'to grant him such a right would in short alter the Constitution of the Presidency; it would establish an Imperium in Imperio'; and however perfect might be its 'persuasion' that no improper use would be made of such a power, yet upon general principles, said the Council, it was 'surely justified in pronouncing it to be of a dangerous tendency, and the conferring of it incompatible with every maxim of wise and sound policy'.

Thus the Council vindicated[1] the conduct and the position of the Governor.

It may also be noted here that 'Disagreeable Disputes'[2] took place[3] in 1770 between Major-General Eyre Coote,

[1] See Secret Consultation, Fort William, 16th December, 1773.

[2] E.g., the following extracts from the minutes of the Consultation (President and Council) of 20th August, 1770, Fort St. George, may be cited :—

'Resolved by all the members General Coote and General Smith excepted, that the Governors Commision of Commander in Chief is superior to General Coote's Commission as Commander in Chief with respect to the Troops on this Establishment.

'Q. Whether the Powers granted by the Company to General Coote in the 14th paragraph (see below) of the Commands of the 3rd January last for forming and disciplining the Troops at the several Presidencies on one uniform Plan are in consequence of the foregoing resolution at an end.

'Resolved by all the members General Coote and General Smith excepted that the above resolution does by no means abrogate or lessen the Powers granted to General Coote by the aforementioned Paragraph'.

The 14th paragraph in the General Letter to Madras from the Court of Directors, of 3rd January, 1770, referred to above, ran as follows :—

'The returns of all the Company's Forces in India, are to be regularly made to major General Coote as Commander in Chief at such periods as he shall point out. And as the forming and regulating our Forces at the different Presidencies on one regular and uniform plan of Discipline has been recommended by him as a point of the utmost importance such orders as shall be established for that purpose under his hand and communicated to you by the Commissioners of our Affairs in the East Indies or by the Governor and Council of the Settlement where General Coote shall reside are accordingly to be put into Execution'.—*Vide* Consultation, Secret, Fort William, 26th September, 1770.

For 'the Commissioners of our Affairs in the East Indies' see pages 293–94 *post;* also the author's '*Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765–72', pp. 99–101.

[3] See Consultation (Secret), Fort William, 26th September, 1770.

Commander-in-Chief of all the military forces of the Company in the East Indies, for the time being stationed at Madras, and the Governor and Council of Fort St. George, nearly similar to those[1] that had occurred in Bengal in 1768 between General Smith and Mr Verelst, President and Governor of Fort William. Curiously enough, both Major-General Coote and the President and Council of Fort St. George wrote[2] to the President and Council of Fort William, requesting the latter's opinion in regard to the extent of their powers in relation to each other. And both sent all relevant papers to the President and Council of Fort William for their consideration. The Major-General also stated in his letter to the President and Council of Fort William that their reply would decide whether he would remain in India or return immediately to Europe.

The President and Council of Fort William, after expressing their concern at what had taken place at Fort St. George, sent the following reply[3] to the Major-General in regard to the points he had referred to them :—

'First That the Commission held by the Governor constitutes him Commander in Chief at each of their[4] respective Presidencies and the Commission we conceive the Governor vested with, in order to assert the Authority of Government.

'Therefore every Order given by the Governor, is to be supposed the Order of the Governor and Council and as such must be implicitly obeyed throughout the Military department.

'Secondly, That all arrangements made in the Military are to be by the application and at all times subject to the Control of the Board (i.e., Council).

[1] See pages 155–67 *ante*.

[2] Major-General Coote's letter was dated at Madras 24th August, 1770.

The letter of the President and Council of Fort St. George was dated at Fort St. George 28th August, 1770.—*Vide* the Consultation (Secret), Fort William, of 26th September, 1770.

[3] The reply was dated at Fort William 26th September, 1770. See *ibid*.

[4] I.e., the Company's.

'These Sir are our sentiments and from which we cannot deviate without being unjust to the charge with which we are entrusted unless our Honble Masters should either alter or supersede the present form of our Government'.

They added: 'It is our hope nay We will add our earnest request that whatever differences have arisen between the Presidency of Fort St. George & you they may not be the means of depriving the Company of your services ....'

In their reply [1] to the President and Council of Fort St. George, the Governor and Council of Fort William enclosed a copy of their letter to Major-General Coote, and wrote to them that they had heard with an extreme concern of the disagreeable disputes that had occurred between them and the Major-General, and that they had expressed in their letter to the Major-General their 'sense of the authority' vested in the Council, and in the Governor, of Madras 'in a military capacity' [2]. Further, they enclosed in their reply the following extract from the 42nd paragraph of the General Letter from the Court of Directors, dated 30th June, 1769, which they had received by the *Lapwing* in January, 1770, in consequence of the dispute between Mr Verelst and General Smith, already referred to [3]:—

'We are much surprized at the many questions which arose in the disputes between our President Mr Verelst and General Smith concerning their respective Military Authority.[4]

[1] Dated at Fort William, 26th September, 1770. See Consultation (Secret), Fort William, 26th September, 1770.

[2] We may note here that the President and Council of Fort St. George informed the President and Council of Bengal in their letter, dated at Fort St. George 8th November, 1770, that they were happy to find that the view which the latter had taken in regard to the question of the disputes between them and Major-General Coote, agreed with theirs. They also informed the latter that General Coote having embarked on the 13th of October, 1770, 'on board the *Hawk Sloop* for Bussorah in order to proceed from thence to England', they returned to them along with their letter the packet addressed to him. —*Vide* Secret Consultation, Fort William, 12th December, 1770.

We also find that on 10th October, 1770, General Coote wrote to the President and Council of Bengal from Madras as follows :—

'I hope you will approve of my Resolution of going Home to submit my conduct to the judgment of my Constituents ......' See *ibid*.

[3] See pages 155-169 *ante*.

[4] In one copy the word is 'Authorities'. See page 168 *ante*.

'As a full answer to the whole in a few words, you are to understand, that our Governor is to all Intents and Purposes Commander in Chief of our forces and whatever orders he sends to any officer must be obeyed'.[1]

We have shown above the position which the President and Governor of Fort William occupied in the early governmental system of the Company in Bengal. He was, as we have seen before, considered as 'the supreme Magistrate in military as well as in civil affairs',[2] and as 'the head of both civil and military establishments'[3], because of his 'preeminence in all Departments'.[4] His general position as the head of the Company's affairs in Bengal and the duty of the Council at Fort William towards him, had been explained by the Court of Directors in one[5] of its earlier letters to the President and Council at Fort William, as follows:—

'All the Rules and Directions we can lay down will be of no Effect nor can we ever expect to see our Affairs properly conducted unless the President for the time being agreeable to his Situation and the real Intention of his Post is a *General Inspector and Supravisor of the whole Machine*[6] in that light we look upon the President and we expect Mr Drake[7] will exert himself accordingly, We shall then find that the several Important Posts which have been hitherto conducted too independently will be properly checked and Controuled and our servants in general will likewise be in all respects kept to their Duty, Whenever therefore the President shall lay before you[8] any Complaints or observations upon

[1] This extract was certified by Mr Wynne, Secretary to the Council, Fort William, as 'A true Extract'. There is a slight variation, however, in respect of punctuation etc., between the extract as given above and the relevant contents of Paragraph 42 as quoted by us from the General Letter of the Court, of 30th June, 1769, on pages 168–169 *ante*.

[2] See page 159n *ante*.

[3] See pages 158, 165, and 173 *ante*.

[4] See page 167 *ante*.

[5] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 31st January, 1755, para. 103.

[6] The italics are ours.

[7] Mr Roger Drake Junior, the then President of Fort William.

[8] I.e., the Council.

the Conduct or Management of our servants of any Rank or Degree or Proposes any Regulations for the better management of our Affairs in general or any Particular Branches of them, You are seriously to attend to and consider them and apply such Remedies as the Nature of them requires'.

The Court also directed in that letter [1] that, in consequence of the authority vested in the President, he was 'to call upon the several Persons employed to see in what manner their Business' was executed, so that it might have fewer occasions for complaint against the way in which they performed their duties. [2]

We may also note in this connexion what Lord Clive [3] stated in a parting message to Mr Verelst who was to succeed him in the office of President and Governor of Bengal, and the other members of the Select Committee at Fort William:—

'The People of this Country have little, or no Idea of a divided Power: they imagine all authority is vested in one Man. The Governor of Bengal should always be looked upon by them, in this Light, as far as is consistent with the Honor of the Committee and Council. In every vacant season therefore, I think it expedient that He take a Tour up the country *in the Quality of Supervisor General.*[4] Frauds and oppressions of every sort, being by this Means laid open to his View, will in great Measure be prevented, and the Natives preserve a just opinion of the Importance and Dignity of your President, upon whose character & conduct

[1] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 31st January, 1755, para. 105.

[2] The Court further observed therein :—'For we are sorry to say that almost all the Books, Papers and Accounts received this season with regard to Method as well as Writing are faulty and slovenly to a Degree that we are quite ashamed and plainly shew the great negligence of both our Senior and Junior Servants.'—*Ibid.*

[3] See his letter dated at Calcutta 23rd January, 1767, addressed to 'Harry Verelst Esqr and Members of the Select Committee', entered in the Proceedings of the Select Committee, Fort William, of 11th February, 1767.

[4] The italics are ours.

much of the prosperity of the Company's affairs in Bengal, must ever depend '.[1]

In the exercise of his powers, however, the President and Governor was subject to the control and direction of the Select Committee and the Council at Fort William, and to that of the Court of Directors at home, and he was accountable to them for the manner in which he executed the duties of his office.

As will appear from the incident[2] recorded below, the power of the President extended even to matrimonial matters within the Company's settlements in Bengal. One Mr Parry, a Chaplain at Fort William had performed 'the Marriage Ceremony between Mr John Johnstone and Miss Caroline Keine

[1] Thus we find that at a meeting of the Select Committee held at Fort William on 18th April, 1767, the President, Mr Verelst, proposed, in pursuance of the advice of Lord Clive, that he would set out 'in a few days to Moorshedabad to be present at the ensuing Poonah (see Glossary), from whence he will proceed to Patna, with a view of regulating the Collections & Examining into the present State and Condition of the Provinces'.—*Vide* Proceedings, Select Committee, Fort William, 18th April, 1767.

In connexion with this question of touring by the Governor, we may note below what the Court of Directors had first written to Lord Clive himself on 21st November, 1766 :—

'Para. 7 :—We observe with great pleasure your Lordship's intention of making the Tour of the Provinces, We persuade ourselves it will very much tend to conciliate the minds of the people to our administration and will furnish Your Lordship with that local knowledge and experience which is so necessary to understand the separate interest of each Province, and to form a judgment of the conduct of the administration at the Capital'.

But, as will appear from the following extract from a letter of the Court of Directors to the President and Select Committee at Fort William, dated at London 16th March, 1768, the Court somewhat modified its views later on in regard to the question of the necessity of touring by the Governor :—

'Para. 27 :—We do not altogether agree with Lord Clive in the Necessity of the Governor's making an annual Tour of the Provinces, the majesty and Dignity of the Government still resides in the Nabob and his Ministers, and they only are known to the inhabitants as the Power to whom they are accountable.—Any great violences or oppressions will most probably reach the Ear of the Resident at the Durbar, who can immediately exercise his Influence to get them redressed ; but if the Governor carries with him in his Tour the Authority of the State, it gives the subject the Idea of a divided Government. If nevertheless it is found necessary We expect it shall be made without Ostentation or an expensive Parade'.

[2] See the General Letter to the Court, dated at Fort William 24th March, 1766.

without first obtaining the Consent of the President or even giving Him any previous Intimation according to the Custom' in the Company's settlements, established by the orders of the Court of Directors. The President and Council considered this omission on the part of Mr Parry not only as 'a Disrespect shewn to the President but also that it might be productive of many other clandestine Marriages which might be attended with the worst of Consequences, and therefore dismiss'd him the service'. Lord Clive later on interceding on behalf of Mr Parry, he was reinstated in his post. The President and Council wrote, however, to the Court of Directors that the example of Mr Parry's dismission would be a sufficient warning to others for preventing 'the like Practices in future'.

It should also be mentioned that it was to the President to whom the Secret Committee[1] of the Court of Directors would sometimes issue[2] confidential instructions for the security of the Company's shipping,[3] and that the members of the Council would be required to give, either jointly or separately, their best advice and assistance to him in this connexion, whenever he would apply for the same.

Sometimes, again, the Court of Directors itself would invest the President with extraordinary powers to deal with an emergency. It did so, for instance, in 1764[4]. Having learnt with a great concern from the intelligence received by

[1] See pages 114–115.

[2] E.g., see the Company's General Letter to Bengal, dated 11th February, 1756.

[3] As well as for other matters. For instance, the Secret Committee of the East India Company (Messrs Godfrey and four others) informed Mr Roger Drake, Governor of Fort William in Bengal, 'or the Governor for the time being', in its letter dated at East India House, London, 25th May, 1756, that His Majesty's Declaration of War against the French King had been publicly proclaimed in London on 18th May, 1756. The Secret Committee, therefore, directed the Governor to communicate to the Select Committee at Fort William the purport of its letter to him and, jointly with the Select Committee, 'to consider of and concert the proper measures as well for the Security of the Presidency of Fort William and its Dependancies (*sic*) as those of Fort St. George and Bombay', as far as it might lie in his power, etc ....

[4] See the Company's General Letters to the President and Council at Fort William in Bengal, dated 9th and 22nd February, 1764.

the *Lapwing* from Fort St. George that the affairs of the Company in Bengal were 'in the utmost confusion', the Court felt that it had become absolutely necessary to take such measures as might 'restore Tranquility' (*sic*). It, therefore, wrote, on 9th February, 1764, a letter to Mr Henry Vansittart, President and Governor of Fort William, 'and to him only', in which it conveyed its 'Orders, Directions and Sentiments in the clearest manner and Delegated' to him 'the fullest Powers............to pursue such measures' as he should judge most proper for dealing with the then situation in Bengal. He was also empowered to communicate to the Council, from time to time, such parts of the Court's orders, directions, etc., as he might think fit. In the meantime, all the affairs of the Company were to be conducted under his orders and directions which, the Court enjoined, were to be obeyed by the members of the Council and the other servants of the Company in Bengal[1]. This state of things was to continue till the President and Council at Fort William received further orders from the Court. The Court directed,[2] however, that in the absence of the President, the extraordinary powers vested in him were to be exercised by the President and Select Committee at Fort William for the time being, and that, in that case, their commands were to be obeyed by all the servants of the Company in Bengal as if they were the commands of the President himself, issued by him in the exercise of the extraordinary powers vested in him by the Court.[3]

Further, we find from the Proceedings[4] of the Select Committee at Fort William that sometimes the President himself would appoint senior servants of the Company available at

[1] The members of Council and other servants of the Company were required to continue to act, however, 'in their several Ranks and Stations and serve the Company to the utmost of their abilities'.—See the Company's General Letter to Bengal, dated 22nd February, 1764.

[2] See the Company's General Letters to the President and Council at Fort William, dated 9th and 22nd February, 1764.

[3] See *ibid*.

[4] See the Proceedings of the Select Committee (Fort William), of 7th February and 20th April, 1771.

Fort William, to be temporary members of the Select Committee. The necessity for such appointment would arise from the instruction of the Court of Directors that the Select Committee 'should consist of Five members and never less than three on the spot'[1] and the absence, for one reason or another, of three or more members of the Committee from Fort William. Thus we find from a minute of the President, Mr John Cartier, delivered at a meeting[2] of the Select Committee held at Fort William on 7th February, 1771, that, as Mr Richard Becher had left for Europe and as Messrs James Alexander and Samuel Middleton for Patna and Moorshedabad respectively, he (i.e., President Cartier) had found himself under the necessity of forming a new Committee and, therefore, summoned Messrs Claud Russell and Charles Floyer on that occasion to assist him with their advice on the important matters that were likely to come up before the Committee. He also stated therein that, as a vacancy had occurred in the membership of the Select Committee on account of the resignation of the Company's service by Mr Becher, it was to be filled by Mr Russell 'in right of seniority'[3], and that, during the absence of Mr Alexander, he must require the assistance of Mr Floyer 'to supply his room', as he was a man of experience and had distinguished himself by his 'Zeal for the public service'. Accordingly, Messrs Russell and Floyer took their seats at the meeting as members of the Committee. We also find from the Proceedings of the meeting of the Select Committee held at Fort William on 20th April, 1771, that the urgency of the then state of affairs of the Company having obliged the President to call a meeting of the Select Committee on that day, he had summoned Messrs William Aldersey and Thomas Kelsall, the two senior members of the Council of Fort William *then in Calcutta*, to attend it. Justifying his action in a minute

[1] See the President's minute entered in the Proceedings of the Select Committee, Fort William, of 2nd November, 1770.

[2] See the Proceedings of the meeting.

[3] This was in accordance with a direction of the Court of Directors conveyed by its General Letter to the President and Council at Fort William, of 23rd March, 1770 (sent by the *Mansfield*).—See Proceedings, Select Committee, Fort William, 2nd November, 1770.

delivered before the meeting, he said that, although the Court of Directors had directed that the Governor of Bengal, the Commander-in-Chief for the time being and three senior members of the Council were to constitute the Select Committee, yet as a result of unavoidable circumstances and the indisposition of Mr Russell, he found that he was the only person then at the Presidency 'qualified to act as a member (of the Committee) according to the institution of it'; that Mr Floyer who had been appointed on 7th February,[1] 1771, to be a temporary member of the Committee during the absence of Mr Alexander, was to act as such till the return of that gentleman or any other senior member of Council empowered by the Court of Directors to have a seat on the Committee; that in summoning Messrs Aldersey and Kelsall, he had acted in accordance with the spirit of the relevant instruction of the Court, if not its letter; and that he, therefore, hoped that the evident necessity of the measure would fully justify him in the step he had taken.

Mr Floyer having concurred 'with the President in the necessity of Messrs Aldersey and Kelsall taking their seats as *occasional members*[2] of the Committee, the usual oath of secrecy'[3] was administered to them by the President.[4]

It may be observed here that if the Governor had certain powers, he had also some heavy responsibilities; and that, as

[1] See page 182 *ante*. [2] The italics are ours.
[3] See page 263 *post*.
[4] It also appears from the Proceedings of the meeting of the Select Committee held at Fort William on 16th January, 1767—and this will be evident from the Court's Instructions by *the Mercury* to the President and Council of Fort William, dated 17th May, 1766, as quoted hereinafter—that the Court of Directors 'vested Lord Clive with full authority either to abolish the Select Committee entirely, or at his Departure to continue it under such Regulations' as he might think most conducive to the interests of the Company. Lord Clive did not 'hesitate to pronounce that the Select Committee must be continued', and he nominated the following persons to be the members of the Committee which was to function after his departure :—

'Harry Verelst Esqr President
John Cartier Esqr
Colonel Richard Smith
Francis Sykes }
Richard Becher } Esqr.'

we have stated before,[1] he was answerable to the Court of Directors for the manner in which he executed the duties of his office. If he acted in an irresponsible manner, or otherwise failed to satisfy the Court of Directors by the performance of his duties, he would be censured, nay even made to resign his office, by the Court. This happened in the case of Mr John Cartier who had succeeded Mr Verelst as Governor of Bengal. As the President of the Select Committee at Fort William he had been a party to a resolution,[2] the effect of which was, according to the Court

Amongst the Regulations framed by him under the abovementioned power, we may mention the following :—

'Mr Verelst, the Governor, shall have Power, upon such occasions as he shall judge necessary, to recall to the Presidency, and to their seats any of the absent members'.

The Court's Instructions to the President and Council at Fort William, referred to above, were, as entered in the Proceedings of the Select Committee of 16th January, 1767, as follows :

'The Powers of the Committee are to remain in Force (in one copy, 'full force') during Lord Clive's continuance in Bengal, but the Committee shall not be continued after his Departure unless he shall judge it for the Interest and Benefit of the Company'—" And farther, that 'as in the Course of the important affairs which now come under cognizance of the Committee, many unforeseen accidents may arise—Lord Clive shall therefore have Permission on his Departure from Bengal to make such regulations in the Powers of the Committee as he shall judge most for the Interest of the Company'."

These extracts are essentially correct. But the actual wording in the Company's General Letter to the President and Council of Fort William in Bengal, of 17th May, 1766, is, as will appear from what follows, different :

'Para. 41 :—These Powers (i.e., the special powers of the Select Committee) are to remain in force during Lord Clive's Continuance in Bengal . . . . . . nor is the Select Committee to be continued unless his Lordship shall judge it for the Interest and Benefit of the Company

'Para. 42 :—And as in the course of the important affairs which now come under the Cognizance of the Committee, many exigencies may arise that we cannot foresee in the imperfect knowledge we have at present we permit Lord Clive on his departure from Bengal to make such further Regulations in these Powers to be observed by the succeeding Select Committee as his Lordship shall judge most for the Interest of the Company'.

[1] See page 179 *ante*.

[2] Reference here is to the prolonged controversy over the constitutional question whether the powers in relation to the management of the Diwani revenues, intended by the Court to be exercised by the special Commissioners (see pages 293–294) appointed by it in 1769 should, in view of their non-arrival in India, be exercised by the Council or by the Select Committee at Fort William. See pages 293–313 *post*, and also the author's '*Early Land Revenue System in Bengal and Bihar, Vol. I, 1765-72*', Chapter IV.

of Directors, delay in the execution of certain orders[1] regarding the management of the Diwani revenues, for the speedy enforcement of which the Court had dispatched 'the *Lapwing* Packet' 'express' to Bengal[2]. The Court observed[3] that if those orders 'had been vigorously enforced', they would 'have tended so much to the public Welfare, and reflected honour on every individual who might have had the execution of them'. As the Court held Mr Cartier partly responsible for the delay that had occurred, it disapproved his conduct and directed him to resign the office of Governor.[4]

We have described above the position, powers and responsibilities of the Governor of Bengal as these had been before the Regulating Act of 1773 came into force. We may observe, however, that apart from the specific powers vested in him, much depended on personal factors. If the Governor happened to be a man of strong character and personality, and if he himself were above temptations—and there were many in his way in those days—he would certainly be able to maintain the dignity of his office and exercise a considerable

[1] Reference here is to the orders of the Court conveyed by its General Letter to the President and Council at Fort William in Bengal, of 30th June, 1769, by the *Lapwing*. See also the author's '*Early Land Revenue System, etc.*', *Ch. IV*.

[2] See the Company's additional General Letter to Bengal, dated 25th April, 1771. The letter had been addressed to the President and Council at Fort William in Bengal. It was received here by the *Colebrooke* on 30th January, 1772. [3] See *ibid*.

[4] *Ibid.*, para. 10. The actual words of the Court were :—

'We therefore direct, that Mr Cartier do continue in the Government of our Presidency of Fort William, till the departure of the last Ship of the season for Europe, after the arrival of Mr Hastings in Bengal; on or before which time it is our pleasure that Mr Cartier do resign that Government to Mr Hastings'.

In conformity to this order Mr Cartier 'resigned the charge of .... government to Mr Hastings' on 13th April, 1772.—*Vide* the General Letter to the Court of Directors, dated at Fort William 13th April, 1772; also the Bengal Revenue Department Letter to Court, dated 13th April, 1772.

It may be noted here incidentally that not only Mr Cartier, but also his colleagues on the Select Committee, namely, Messrs Becher, Russell and Floyer were punished by the Court for the delay in the enforcement of its orders conveyed by the *Lapwing*. For details see pages 293–313 *post*; also the Company's additional General Letter to the President and Council at Fort William in Bengal, dated 25th April 1771, para 3.

influence over men and affairs. But things would be otherwise if the Governor happened to be a weak man or if he were not himself above temptations. This is clear from the state of affairs in Bengal in 1765, as described by Lord Clive. 'At the time[1] of my Arrival', wrote His Lordship on 30th September, 1765, in a letter[2] to the Court of Directors, 'I saw nothing that bore the form or appearance of Government: The authority and Pre-eminence of the Governor were levelled with those of Councillors; every Councillor was as much a Governor as he who bore the name, and distinction of Rank, as I have already observed,[3] was no longer to be found in the whole Settlement. Notwithstanding a special Order from the Court of Directors, founded on very wise and very evident Reasons, that all Correspondence with the Country Powers

[1] Lord Clive arrived at Calcutta on the 3rd of May, 1765.—See the Commons' Report (3rd), dated 8th April, 1773; also the General Letter to Court, Para 2, from the President and Council of Fort William, dated 30th September 1765.

[2] From Calcutta.

[3] This is what he had written in the earlier part of his letter to the Court of Directors, referred to in the text above :—

'Upon my arrival, I am sorry to say, I found your affairs in a condition so nearly desperate as would have alarmed any Set of Men, whose Sense of Honour, and Duty to their Employers, had not been estranged by the too eager Pursuit of their own immediate advantage. The sudden, and among many, the unwarrantable acquisition of Riches, had introduced Luxury in every Shape, and in it's most pernicious Excess. These two enormous Evils went hand in hand together through the whole Presidency, infecting almost every Member of each department. Every Inferiour (*sic*) seemed to have grasped at Wealth, that he might be enabled to assume the Spirit of Profusion which was now the only Distinction between Him and his Superiour (*sic*). Thus all distinction ceased, and every Rank became in a manner upon an Equality. Nor was this the end of the Mischief, for a Contest of such a nature among your Servants, necessarily destroyed all Proportion between their wants and the honest means of satisfying them. In a Country where Money is plenty, where Fear is the Principle of Government, and where your Arms are ever victorious; in such a Country, I say, it is no wonder that Corruption should find its way to a Spot so well prepared to receive it. It is no wonder that the Lust of riches should readily embrace the proffered means of its gratification, or that the Instruments of your Power should avail themselves of their Authority, and proceed even to Extortion in those Cases where simple Corruption could not keep Pace with their Rapacity. Examples of this Sort, set by Superiors, could not fail of being followed in a proportionate Degree, by Inferiours (*sic*.) The Evil was contagious, and spread among the Civil and Military, down to the Writer, the Ensign, and the Free Merchant'.

should be carried on solely in the Governor's Name, I found, that our whole Correspondence with the Great Mogul, the Subahs, Nabobs, and Rajahs, had been of late carried on by, and in the name of, the whole Board (i.e., the Council), and that every Servant and free-merchant corresponded with whom they pleased'.

Again[1] :—

'The Gentlemen in Council of late years at Bengal, seem to have been actuated in every Consultation by a very obstinate and mischievous Spirit. The office of Governor has been in a manner *hunted down, stripped of its Dignity, and then divided into 16 shares.* Whether Ambition, Obstinacy, Pride, or Self-Interest, is usually the Motive to such a Pursuit, I will not take upon me to determine, but am sure it can never arise from a just idea of Government, or a true Sense of the Company's Interest'.[2]

His own conception of the position of the Governor and of the relationship that should subsist between him and his Council, he stated in the following words[3] :—

'In my opinion it is the duty of the Council to make the Power of the President appear as extensive as possible in the Eyes of the People, that all Correspondence with the Country Princes, should be carried on thro' him alone, some particular Cases excepted, that the Council should upon all occasions, be unanimous in supporting, not in extenuating,

[1] Lord Clive's letter to the Court, dated at Calcutta 30th September, 1765, referred to above, para 10.

[2] Mr Verelst also wrote to the Court later on :—

'Although I am determined cautiously to avoid any appearance of acting independently of the Board yet shall I rigorously exact from your servants in general the degree of respect that is due to the station in which I have the honor to serve the Company. I have seen the effects of this fatal relaxation of authority, from which proceeded, I am convinced the general depravity and Licentiousness of manners which prevailed at the time Lord Clive took charge of this Government'.—See Mr Verelst's letter to the Court of Directors, dated at Fort William 17th March, 1767.

It may be noted here that Lord Clive 'took charge of the Government (of Bengal) from Mr Spencer' on 3rd May, 1765.—See the General Letter from the President and Council of Fort William, dated at Fort William 30th September, 1765.

[3] See Lord Clive's letter to Court, dated at Calcutta 30th September, 1765, para. 10.

the dignity of his Station, and that he ought to be considered among the Natives, as the sole Manager and Conductor of Political Affairs. This should be the outward appearance of Administration, though in Reality, the Council must be allowed a freedom of Judgement, and when they perceive in the Governor a Tendency to absolute or unjustifiable Measures, it then becomes their duty to check Him. If they at any Time have reason to distrust the rectitude of his Principles, they should not allow him to execute Designs even of the smallest moment, without previously laying them before the Board (i.e., the Council), and obtaining their approbation. In short the best Governor should not, except in cases of Necessity, be suffered to conclude any Points of Importance without the Sanction of the Board'.

So far as he himself was concerned as Governor, he said:[1]

'Two paths were evidently open to Me: The one smooth, and strewed with abundance of rich advantages that might easily be pickt up; the other untrodden, and every Step opposed with Obstacles. I might have taken charge of the Government upon the same footing, on which I found it, that is, I might have enjoyed the name of Governor, and have suffered the Honor, Importance, and Dignity of the Post, to continue in their State of Annihilation; I might have contented Myself, as others had before Me, with being a Cypher, or what is little better, the first among Sixteen Equals, and I might have allowed this passive Conduct to be attended with the usual Douceur of sharing largely with the rest of the Gentlemen in all Donations, Perquisites, etc., arising from the absolute Government, and disposal of all Places in the Revenues of this opulent Kingdom; by which means, I might soon have acquired an immense Addition to my Fortune, notwithstanding the Obligations in the new Covenants[2] . . . . The Settlement[3] in general would thus have been my friends, only,

[1] See the letter referred to in the last foot-note, para. 9.

[2] Regarding 'the acceptance of presents from the Country Government.' The covenants were intended to prevent the taking of 'Presents by the Servants of the Company from the Indian Powers'. See pages 326–329 *post*.

[3] Obviously he meant by this word the servants of the Company.

the Natives of the Country my Enemies . . . . An honourable Alternative however lay before me. I had the Power within my own Breast, to fulfill (*sic*) the duty of my Station by remaining incorruptible in the midst of numberless Temptations artfully thrown in my way, by exposing my Character to every attack which Malice or Resentment are so apt to invent against any Man who attempts Reformation and by encountering of course the Odium of the Settlement.'

'I hesitated not a Moment', continued Clive, 'which Choice to make; I took upon my shoulders a Burthen which required Resolution, Perseverance, and Constitution, to support. Having chosen my Part, I was determined to exert Myself in the attempt, happy in the reflection, that the Honor of the Nation, and the very being of the Company would be maintained by the Success, and conscious, that if I failed, my Integrity and good Intentions at least must remain unimpeached'.

And he actually did exert himself as Governor with vigour in every sphere of the Company's administration in Bengal. As consequences, he not only made his personality felt everywhere, but greatly succeeded, acting in concert with his Select Committee, in achieving the objects he had had in view. In a remarkable letter, dated at Madras 17th April,[1] 1765, he had written to Mr Thomas Rous who had been elected in the previous year[2] Chairman of the Court of Directors:—

'Give me Leave now to lead you for a few Moments into the Civil Department. See what an Augean Stable is to be cleaned. The Confusion we behold; what does it arise from? Rapacity and Luxury; the unwarrantable Desire of many to acquire in an Instant, what only a few can or ought to possess. Every Man would be rich, without the Merits of long Services; and from this incessant Competition undoubtedly springs that Disorder, to which we must apply a

[1] He had arrived at Madras from England on 10th April, 1765.—*Vide* his Letter to 'Thomas Rous, Esquire, dated at Madras, the 17th April, 1765'. *Vide* also the Commons' Report (3rd), 8th April, 1773, Appendix 82. Sir George Forrest has also quoted this letter in his 'Life of Lord Clive', Vol. II, pp. 256–58.

[2] Before Clive sailed for India as the Governor of Bengal for the second time.

Remedy or be undone; for it is not only malignant but contagious ...... The Evils, Civil and Military, are enormous[1], but they shall be rooted out. Whatever Odium may be thrown upon me, by the Malice or Disappointment of Individuals, I am resolved to act for the Advantage of the Company in every Respect ..... I propose no Advantage to myself—I am determined to return to England without having acquired one Farthing Addition to my Fortune—Surely then I cannot possibly design any Thing but public Good'.[2]

[1] For instance, we find the following in paragraphs 11, 12 and 21 of the Court's letter to the President and Select Committee at Fort William, dated 17th May, 1766 :—

'Para. 11 :—When we look back to the System that Lord Clive and the Gentlemen of the Select Committee found established, it presents to us a Souba disarmed, with a Revenue of almost Two Millions Sterling ..... at the Mercy of our Servants, who had adopted an unheard of ruinous Principle, of an Interest distinct from the Company: This Principle shewed itself in laying their Hands upon every Thing they did not deem the Company's Property.

'Para. 12: In the Province of Burdwan, the Resident and his Council took an annual stipend of near Eighty Thousand Rupees per Annum (*sic*), from the Rajah, in Addition to the Company's Salary. This stands on the Burdwan Accounts, and we fear was not the Whole; for we apprehend it went further, and that they carried this pernicious Principle, even to the Sharing with the Rajah of all he collected beyond the stipulated Mulgazury, or Land Revenue, overlooking the Point of Duty to the Company, to whom properly every Thing belonged that was not necessary for the Rajah's Support. .... whilst the Company were sinking under the Burthen of the War, our Servants were enriching themselves from those very Funds that ought to have supported the War. But to Lord Clive and our Select Committee we owe, that the Company are at last considered as Principals in the Advantages as well as Dangers'.

'Para. 21 :—The proceedings of the Select Committee have laid open to us a most complicated Scene of Corruption in which we have the unhappiness to see most of our principal servants involved—Gentlemen who have served us in the highest offices, in whom we placed the greatest confidence and to whom we had given many marks of Our favour Yet neither the ties of honour nor gratitude could controul that unbounded thirst after Riches that seems to have prevailed almost over the whole settlement and threatened a total dissolution of all Government'.

[2] He also declared at the first meeting of the Select Committee held at Fort William on 7th May, 1765, on his return to Bengal as its Governor for the second time :—

'I shall now only repeat what you have often heard me declare, that I totally disclaim any emolument to Myself—I will not add to my fortune one single rupee by the opportunities I might have as Governor'.

He did really succeed in cleaning the Augean stable to a large extent, by sheer force of industry, character and personality. And he had the satisfaction, on the eve of his departure from India, of being able to write in his letter[1] to Mr Verelst and the other members of the Select Committee at Fort William:

'The servants are now brought to a proper sense of their Duty . . . . Much of our Time has been employed in correcting abuses. The important work has been prosecuted with Zeal, Diligence, & Disinterestedness, & we have had the Happiness to see our Labours Crowned with success.[2] I leave the Country in Peace, I leave the military & civil Departments under Discipline & Subordination'.

[1] This letter was placed by Lord Clive before a meeting of the Select Committee held at Fort William on 16th January, 1767.

[2] This is largely corroborated by the following extracts from the Court of Directors' letter to Lord Clive, dated 17th May, 1766 :—

'Para. 2 :—When we consider the penetration with which your Lordship at once discerned our true Interest in every Branch, the Rapidity with which you restored Peace, Order, and Tranquillity, and the unbiassed Integrity that has governed all your Actions, we must congratulate your Lordship on being the happy Instrument of such extensive Blessings to those Countries ; and you have our sincerest Thanks for the great and important Advantages thereby obtained for the Company.

'Para. 11 :—We have the most perfect sense of your Lordship's Disinterestedness in every Part of your Conduct . . . . We are very sensible of the sacrifice We ask your Lordship to make in desiring your continuance another year in Bengal after the great services you have rendered the Company & the difficulties you have passed through in accomplishing them under circumstances in which *your own example has been the principal means of restraining the general rapaciousness & corruption which had brought our Affairs so near the brink of Ruin*'.

The italics are ours.

CHAPTER III

THE COUNCIL AND THE SELECT COMMITTEE—THEIR CONSTITUTION[1]

WE shall deal in this Chapter with the constitution of the Council and of the Select Committee at Fort William as it obtained mainly during the period falling within the scope of this volume.

Constitution of the Council.

We shall first treat of the constitution of the Council. It differed from time to time, the number of Councillors including the President and Governor, varying, ordinarily,[2] from nine to sixteen. For example, under an order of the Court of Directors, dated 11th February, 1756,[3] the Council was to consist of Mr Roger Drake as President and Governor and eleven other members; under an order of 11th November, 1757,[4] it was to consist of Messrs William Watts, Charles Manningham, Richard Becher and J. Z. Holwell[5] and eight other members; under an order of 8th March, 1758,[6] of

[1] This, together with the subject-matter of the next succeeding chapter, was the subject of the third lecture in the series referred to in foot-note 1 on page 1 *ante*. The third lecture was delivered on 3rd March, 1937. It was originally published in *The Dacca University Studies*, July, 1938 (Vol. III, No. 1). Previously to this, however, a summary of the lecture had appeared in *The Amrita Bazar Patrika* (Town Edition) of 20th March, 1937.

We also find that in an article contributed to the January—June (1938) number (pp. 34–47) of *Bengal: Past and Present* (published in September, 1938), Dr A. P. Das Gupta has touched on one or two of the points dealt with by us in this and the succeeding chapter.

[2] Under one order of the Court the number might even be seventeen for certain purposes. See foot-note 10 on page 193 *post*.

[3] See the Company's General Letter to Bengal, dated 11th February, 1756.

[4] See the Company's General Letter to Bengal, dated 11th November, 1757.

[5] Messrs Watts, Manningham, Becher and Holwell were 'to be each of them President of the said Council and Governour of and for all the Company's Affairs in Bengal for the Term of Four months', etc. See *ibid* and also pages 136–139 *ante*.

[6] See the Company's General Letter to Bengal, dated 8th March, 1758. By this letter Colonel Clive was appointed 'to be sole President and Governor of Fort William' in case it would suit his health and

Colonel Clive and twelve other members; under an order of 23rd March, 1758[1], of Colonel Clive and twelve other members; under an order of 11th April, 1758, of Colonel Clive again and twelve other members;[2] under an order of 23rd November, 1759, of Mr Henry Vansittart (on the departure of Colonel Clive) and eleven other members;[3] under an order of 21st January, 1761, of Mr Vansittart and eight other members (provisionally);[4] under an order of 13th March, 1761, of Mr Vansittart again and eight other members;[5] under an order of 17th December, 1762, of twelve persons[6] 'exclusive of the Colonel[7] and Major';[8] under an order of 8th February, 1764, of Mr Vansittart and thirteen other members;[9] under an order[10] of 1st June, 1764,

convenience to continue in India. In case, however, he should be desirous of returning to England and accordingly left India or in case he died, 'the Rotation of the Four Gentlemen who were to preside alternately as President and Governor' (see foot-note 5 on page 192 and also pages 136–139 *ante*), was 'immediately to take place' as directed by the Company's General Letter of 11th November, 1757. See *ibid*, paras. 4 and 6; also pages 136–139 *ante*.

[1] See the Company's further additional Letter to Bengal, dated 23rd March, 1758. By this letter the Court cancelled, in pursuance of a resolution of the General Court of Proprietors, dated 15th March, 1758, its previous direction regarding the principle of rotation as applied to the office of Governor (see foot-notes 5 and 6 on page 192) and confirmed the constitution of the Government of Fort William, as ordered by its General Letter of 8th March, 1758. See foot-note 6 on page 192 and pages 136–139 *ante*.

[2] See the Company's General Letter to Bengal, dated 11th April, 1758.

[3] See the Company's General Letter to Bengal, dated 23rd November, 1759.

[4] See the Company's General Letter to Bengal, dated 21st January, 1761.

[5] See the Company's General Letter to Bengal, dated 13th March, 1761. By this letter the provisional arrangement ordered by the Court's letter of 21st January, 1761 (see foot-note 4 above), was confirmed.

[6] I.e., 14 persons altogether. See the Company's General Letter to Bengal, dated 17th December, 1762.

[7] I.e., Colonel Eyre Coote. [8] I.e., Major John Carnac.

[9] See the Company's General Letter to Bengal, dated 8th February, 1764.

[10] Under this order Brigadier-General John Carnac was to be the third member of the Council. But it also provided that in case Brigadier-General Thomas Adams continued "in Bengal with the Kings Troops he is to have a seat & voice at the Board when Military Affairs are under Consideration and is to rank therein next before Brigadier Genl. Carnac."

This means that, in certain circumstances, the Council might even consist of seventeen members in all. See the Company's General Letter to Bengal, dated 1st June, 1764.

of Lord Clive and fifteen[1] other members; under an order of 17th May, 1766, of Lord Clive again and eleven other members;[2] under an order of 12th January, 1768, of Mr Harry Verelst and eleven other members;[3] under an order of 23rd March, 1770, of ten members including the Governor and 'the military Commander';[4] and under an order of 7th April, 1773, of fourteen members.[5]

The views of the Court of Directors on the question whether the Commanding Officer of the army in the Presidency of Bengal should have a constant seat on the Council at Fort William, also varied from time to time. For instance, it appears from the Court's General Letter[6] to Bengal, dated 8th February, 1764, that it (i.e., the Court) had previously directed that Brigadier-General John Caillaud (who was to be the third member of the Council constituted by the said letter), should, because of his 'long experience and general knowledge of the Company's Affairs', 'have a constant seat and voice at the Council and in all Committees'; but that this privilege had been intended 'as a personal Compliment to & acknowledgment of his merit & not to be drawn into a precedent'. Any successor whom the Court might later on think proper to appoint to General Caillaud, was only to have a seat at the Council when military questions would be considered, 'and upon no other times or any other account whatsoever'. But we find that in the Council constituted by the Court's General Letter to Bengal, dated 1st June, 1764, Brigadier-General John Carnac who had presumably succeeded meanwhile to the office of 'Commander in Chief of the Army', was given a constant seat on the Council, and that his place therein was to be third in rank. The Court stated, however, in the

[1] But see the preceding foot-note.

[2] See the Company's General Letter to Bengal, dated 17th May, 1766.

[3] See the Company's General Letter to Bengal, dated 12th January, 1768.

[4] See the Company's General Letter to Bengal, of 23rd March, 1770.

[5] See the Company's General Letter to Bengal, of 7th April, 1773.

[6] Para. 15.

same letter that 'upon the Decease or coming away of Genl. Carnac no other Military Officer or Officers' were 'to have a constant seat' or seats on it without its express permission, but that the next officer in command was 'to have a seat and voice at the Board (i.e., the Council) upon Military Affairs only'. In its General Letter to Bengal, dated 17th May, 1766, the Court wrote, however, to the President and Council as follows :—

'Para. 28 :—Altho' We have laid it down as a Rule for all our Presidencies that no Military Officer should have a constant Seat in the Council, upon vacancies happening by the coming away or otherwise of those who at present enjoy the same: however considering the case of Colonel Richard Smith as represented in his Memorial[1] to you of the 22nd May 1765, and the recommendation of Lord Clive, We are induced for the present to deviate therefrom, and we accordingly direct that upon the coming away or decease of Brigadier General Carnac, that (*sic*) Colonel Smith do succeed him as Third in Council, but he is never to rise to an higher Rank therein'.

The Court also directed in this letter[2] that upon Colonel Smith's coming away or decease, no other military officer was to succeed him in the Council; but that the Commanding Officer for the time being was 'to be consulted upon Military affairs only, at which times he is to have a seat and voice at the Board as Third in Council'. The Court repeated

[1] He pleaded in this Memorial for a constant seat for himself on the Council at Fort William. He stated therein that unless he was appointed a member of the Council, he would be under the necessity of resigning his commission; for, he said, although he was then almost a stranger in Bengal, yet he 'could plainly perceive, that without being invested with a Share in the Administration, it would be utterly impossible for me to carry such a command over the numerous Forces under this Presidency, as was necessary for the Preservation of order, Discipline, and Subordination'.—See General Richard Smith's Minute delivered on 9th November, 1769, in the Proceedings of the meeting of the Select Committee held on that day.

Vide Bengal Secret Consultations Range A, Vol. 9, Imperial Record Office, New Delhi.

[2] See para. 28 of the Court's General Letter to Bengal, dated 17th May, 1766.

these directions in its General Letter[1] to Bengal, dated 12th January, 1768, in the following words :—

'For the Reasons given in the 28th[2] Paragraph of our General Letter of the 17th May 1766, Colonel Smith is *to continue*[3] to have a constant Seat in Council, but We direct that upon his Decease or coming away, no other Military officer is to succeed him in the Council, but the Commanding officer for the time being is to be consulted upon Military Affairs only, at which times he is to have a Seat and Voice at the Board as Third in Council'.

As will be evident from the following extract, the Court again changed its mind in 1771 and wrote to the President and Council at Fort William :—

'Notwithstanding any of our former orders for restraining the Commander in Chief at your Presidency from a constant seat and voice at your Councils and Select Committee—It is our pleasure that your present Commander in Chief & his successors to that post have a constant seat and voice at your General & Secret Council Boards and at your Select Committee'.[4]

How vacancies were filled.

Members of the Council of Fort William, like the President and Governor thereof, were ordinarily appointed by the Court of Directors. But vacancies would often occur in the membership of the Council either as a result of the death, coming away, dismissal or the suspension of its members, or otherwise. If any such vacancies occurred, the President and Council were empowered to fill them by appointing some superior servants of the Company in Bengal.[5] For example, when the Court of Directors constituted[6] a Council for Fort William in February, 1756, consisting of Mr Roger Drake and eleven other members, it directed[7] that if vacancies occurred in the Council, they were

[1] Para. 8. [2] See page 195 *ante*.

[3] The italics are ours.

[4] See the Court's General Letter to the President and Council at Fort William, dated 10th April, 1771.

[5] But see pages 197–99 *post*.

[6] See the Company's General Letter to Bengal, dated 11th February 1756, para. 86.

[7] *Ibid*, para. 87.

'to be filled up by the next Persons in standing' (i.e., by persons next in standing to the last member of the Council), unless 'their behaviour or Circumstances' rendered them 'unfit for such important stations'. Again, when in 1761 the Court constituted[1] a Council for Bengal with Mr Henry Vansittart as President and eight other members, it directed[2]:

'When any vacancies happen in the said Council by the death, coming away or otherwise of any of the before-mentioned members such vacancies are to be filled by the next persons in standing upon the list of covenant servants until our further pleasure is signified to you (i.e., Governor and Council) provided that there are no reasonable objections to their capacities characters or circumstances'.

Further, in its General Letter to Bengal, dated 17th May, 1766, the Court wrote[3] to the President and Council that if at any time it should 'be found really necessary to suspend any of the Members of the Council for Infidelity, or on any other occasion which renders his sitting therein improper, and inconsistent with the Company's Interest', the latter were to 'fill up the vacancy or vacancies by such suspension or suspensions by the next under the Council'. Lastly, in its General Letter[4] to Bengal, dated 23rd March, 1770, the Court wrote to the President and Council:—

'We . . . direct, that in case of vacancy or vacancies in our Council, You do forthwith, or as soon as conveniently may be, proceed to fill up such vacancy or vacancies, according to the established rule of the Company's Service, conforming Yourselves, on all occasions, as nearly as may be, to our pleasure signified by the 88th para[5] of the General Letter to your Presidency, dated 24th December, 1765.'

Principle of appointment.

The Court of Directors also laid down the principle on which the President and Council were to act in filling vacancies in

[1] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 13th March, 1761, para. 61.

[2] *Ibid*, para. 62.

[3] Para. 30.

[4] See para. 187.

[5] See page 198 *post*.

the Council. In para. 88[1] of its General Letter to Bengal, dated 24th December, 1765, the Court enjoined the President and Council 'to be extremely careful . . . . not to admit any one into Council' unless they were fully satisfied that his 'Abilities, Integrity, Circumstances & good Character in general' rendered him fit for so important a station as the membership of the Council. And the Court added: 'Whatever Person shall be taken by you into Council (is?) to continue as such provisionally until you receive our approbation'.

The Court emphasised the principle referred to above, in its General Letter to the President and Council at Fort William, dated 17th May, 1766. It stated therein:—

'You are . . . . most strictly to observe the Orders in the 88th Para of our Letter of the 24th December last, not to admit anyone into Council unless You are fully satisfied that his abilities, Integrity, Circumstances & good character in general render him fit for so important a Station but where these all concur in any of our Servants who are under the Council *then the General Custom of promotion according to Seniority is to take Place.*'[2]

It is clear from the above that seniority alone was not to be the ground for promotion. And, as a matter of fact, the Court made this point clear in another connexion in its General Letter to Bengal, dated 28th August, 1771. It stated therein:

'However desirous we are that our servants should succeed to superior stations, according to Priority in the service, in all cases where the same can be observed without prejudice to the Interests of the Company, *It is not Our meaning that seniority alone should entitle*[3] them to enjoy

[1] In the same paragraph the Court also wrote:—
'We heartily wish for the sake of Justice, for the good of the Company and for the Relief of ourselves, that we might depend on you our President & Council for the true characters (*sic*) of our servants in respect to Integrity, ability & assiduity, for without some such competent Guide, we may often be led into Error & suffer some to rise to stations for which they are unfit, and you are hereby directed to send us the proper Informations from time to time accordingly . . . . . . this is more particularly necessary with respect to the taking in Council these Persons who stand next in turn upon the List.'

[2] The italics are ours. [3] The italics are ours.

such posts as require not only an undoubted Integrity, but also a competent degree of ability and attention '.

Councillors from other Provinces.

We have stated before that the President and Council were empowered to fill casual vacancies in the Council by appointing some superior servants of the Company from within Bengal. But sometimes such vacancies would be filled by the appointment of civil servants from other Presidencies. For instance, in 1765-66 four vacancies in the Council were filled by the appointment of four civil servants from the Presidency of Madras, namely, Messrs Claud Russell, William Aldersey, Thomas Kelsall and Charles Floyer.[1] They arrived at Fort William on 6th[2] February, 1766, and the Select Committee agreed[3] on 10th February, 1766, to recommend to the Council 'the admitting them to seats in the Council of this presidency until the pleasure of the Court of Directors be known.' They were so admitted and the President and Council wrote to the Court of Directors in their General Letter, dated at Fort William 24th March, 1766 :—

'The Select Committee have laid before us the Reasons which induced them to request the assistance of the Gentlemen from the Madras Presidency, viz, Messrs Claud Russell, William Aldersey, Thomas Kelsall and Charles Floyer ; they arrived here the 6th of February and have taken their seats at the Board ; & We make no Doubt but they will do credit to their Choice & that the public Business will in future be conducted with Regularity & Dispatch . . . .'

At the instance of Lord Clive, President and Governor, the Select Committee had, in the exercise of the extraordinary powers[4] vested in it by the Court of Directors, taken the initiative in making these appointments for reforming the system of administration in Bengal. What[5] had actually happened

[1] *Vide* the General Letter to the Court of Directors, dated at Fort William, 24th March, 1766, para. 82.

[2] *Ibid.*

[3] See the Bengal Select Committee Proceedings, Fort William, of 10th February, 1766.

[4] See pages 283–84 *post*.

[5] There is an article entitled ' The Four Gentlemen from Madras ' by the Hon'ble Sir Evan Cotton, in the Proceedings of the Indian Historical Records Commission, Vol. VII, January, 1925, which we find also deals with some aspects of this question.

was as follows. In connexion with the question of filling future vacancies in the Council, Clive had requested the Court of Directors, in his letter[1] of 30th September, 1765, to see the list of its covenanted servants in Bengal. 'You will find', he had written to it, 'that many of those next in succession are not only very young in the Service, and consequently unfit for such exalted Stations, but are also strongly tainted with the Principles of their Superiors'.—'If your opinion', he had further said, 'should correspond with mine, some Remedy will be judged necessary to be applied, and I confess I see but one. The unhappy Change which within these few years has arisen in the Manners and Conduct of your Servants at Bengal, is alone sufficient to remove the objections I once had to Appointments from another Settlement: And the Difficulty, which now too plainly appears, of filling up Vacancies in Council with the requisite Attention to the Company's Honour and Welfare, incline me to wish such Appointments more frequent. In the present State of this Presidency, no Measure can, I think, prove more salutary, than to appoint Five or Six Gentlemen from the Coast to the Bengal Establishment, and there to post them agreeable to their Rank and Standing in the Service; Messrs Russell, Floyer, Aldersey, and Kelsall, are among those who would be well worthy of your Attention if this Plan should be adopted......... It is past a Doubt, that every Attempt of Reformation must fail, unless the Superior Servants be examplary in their Principles and Conduct. *If we see nothing but Rapacity among Counsellors, in vain shall we look for Moderation among Writers*'.[2]

The Select Committee also, in its letter,[3] dated at Fort William 30th September, 1765, had 'earnestly exhorted the Court of Directors, to admit of no Claim in composing the Council' at Fort William 'but what was founded upon approved Merit'.[4] At the same time it had pointed out to the

[1] Para. 11. [2] The italics are ours.

[3] By the *Admiral Stevens*.

[4] See the Proceedings of the Select Committee, Fort William, of 5th November, 1765.

What the Select Committee had actually written to the Court in this

Court that if it followed the letter of the latter's instructions, it 'must fill the vacancies' in the Council 'from the next in succession, without regard to the qualifications they possess for the discharge of so important a Trust; and thus commit into the hands of rash inexperienced and ignorant young Men, the conduct of a System of Government which demands the discretion, judgment and steadiness of more advanced years and longer Services'.[1]

Later on, at a meeting of the Select Committee held at Fort William on 5th November, 1765, Clive stressed[2], having regard to the position of the Company in Bengal, the necessity of placing the administration of its affairs in it, 'in the

connexion in its letter, dated at Fort William 30th September, 1765, was as follows:

'At all times it has been found expedient to deviate occasionally from this general rule of preferring Seniority. It now becomes your indispensable duty to admit no Claim but that of merit, if you would preserve the valuable possessions you enjoy, and realize the very near prospect you have of establishing your affairs on so firm and solid a basis as nothing but misconduct can overset. So much rests with the Board (i.e., Council) that on your judicious impartial selection of the members it depends, whether you hold a foot of land, and enjoy a priviledge (*sic*) in Bengal, or whether you continue in possession of the most ample revenues and extensive influence ever established by any European Mercantile Body. We therefore most earnestly exhort you, that no consideration of favour or prejudice be suffered to biass (*sic*) you in the important business of composing your Council; and that no other distinction be admitted, except what is due to ability, to integrity, and to faithful essential Services'.—See the Select Committee's Letter to the Court, dated at Fort William 30th September, 1765, para. 30; also see Verelst, *A View of the English Government in Bengal*, App. 1.

1 Continuing, the Select Committee had said to the Court of Directors: 'Circumstances are now widely different from what they were a few years since when you confined your whole attention to Commerce and were happy in being able to compleat your investments without insult or exaction from the Country Government. You are now become the Sovereigns of a rich and potent Kingdom; your success is beheld with Jealousy by the other European Nations who maintain Settlements in India, and your interests are so extended, so complicated, and so connected with those of the several surrounding powers, as to form a nice and different System of Politicks.

'These weighty considerations determined us to avoid filling the vacancies lately occasioned in Council by the death of Mr Billers and resignation of Messrs Johnstone and Burdett'. *Vide* the Select Committee's letter to the Court, dated at Fort William 30th September, 1765, paras. 29–30.

2 See the Proceedings of the Select Committee, Fort William, of 5th November, 1765.

hands of men of the greatest integrity & ability'. As the Council was then 'reduced to a number insufficient to conduct the publick Business', it became absolutely necessary to fill the vacancies therein. He did not consider it desirable to call 'down the Chiefs of Subordinates, to assist at the Presidency', as it might be 'productive of the worst consequences; since then the whole weight of the Investment and great part of the Collections must devolve upon younger servants' who had neither the requisite experience nor influence. The only expedient he could therefore propose that would be in any way adequate to the exigency of the Company's situation in Bengal, and that promised 'fair for promoting the Great Scheme of Reformation' which the Committee had so much at heart, appeared to him 'to consist in calling in the assistance of the most capable servants, on the Madras Establishment, below the rank of Council'. As they were 'untainted with the Corruption & Licentiousness of this Settlement' (i.e., Bengal), they would, he said, 'cordially co-operate in every measure for establishing that spirit of frugality, Industry and Subordination among the Classes of Junior Servants', which the Committee had always 'considered as essential to the Prosperity, and even to the security of the Company's affairs in Bengall'. Having maturely weighed and considered 'the Characters of the Covenanted Servants next to Council at Fort St George', he recommended the appointment of 'Messrs Russell, Aldersey, Kelsall & Floyer, all men of reputed ability and umblemished honor, as well as longer standing in the Service than any upon our (i.e., Bengal's) List of Junior Servants'.

Clive, therefore, moved that the Select Committee 'should immediately apply to the Presidency of Fort St. George for the assistance of the above named Gentlemen'. General Carnac and Mr Verelst[1] having agreed to the motion, the

[1] Only Lord Clive, Mr W. B. Sumner, Brigadier-General Carnac and Mr Harry Verelst attended the meeting of the Select Committee, held on the 5th of November, 1765. Mr Sumner dissented from the motion of Lord Clive. In dissenting from it he said, among other things:—

'My reasons for disapproving of it are First that I do not think we have the authority to transfer the servants of another

Committee resolved that it should write 'to Madras requesting that Messrs Russell, Aldersey, Kelsall & Floyer may be sent down with all possible Dispatch for the purposes specified in the motion'. Accordingly, the following letter[1] was sent to Madras by the Select Committee :—

'To the Honble Robert Palk Esqr
President & Governor Etc & Council
at Fort St. George

'Honble Sir & Sirs

The measures we are pursuing in order to accomplish the Ends proposed by the Court of Directors, & secure to the Company the great Revenues they now possess in Bengall, are so contrary to the Expectations, the Views and Interests of many of their servants placed in the highest stations, & entrusted with the most weighty employments of this Presidency that they have thought proper to resign the service. The opulent Fortunes they have acquired, & the steps we are taking to prevent so sudden a growth of wealth at the expence of the Company & the national character will sufficiently declare the motives of their Conduct and of ours.—Notwithstanding we have found it expedient to reduce the number of the Board from 16 to 12 Members, yet three seats are already vacant, & Mr Senior has expressed his full intention of returning home this Season. It is with regret we observe, that these

Presidency to this, and, secondly as we have already represented to the Court of Directors what was then esteemed necessary on the point of the succession to Council, that we ought to wait for their Orders, and not anticipate or take measures which perhaps may clash with their Resolutions & Intentions. That the Service may not in the meantime suffer from the deficiency of Members at the Board, I would propose that either those Gentlemen who are deemed unexceptionable in our own List of Servants be appointed to fill the vacancies, or that the Chiefs of some of the Subordinates whose presence on such an emergency might be spared from the business of the Investment, should be called down, to act at the Presidency untill (*sic*) the Pleasure of our Employers is known which we may very reasonably expect by the latter (*sic*) ships of next season'.

Mr Sumner's dissent was entered in the Proceedings of the meeting.

1 Vide Proceedings, Select Committee, Fort William, 5th November, 1765.

vacancies cannot be filled by the junior Servants next in Succession. The Corruption that *had* prevailed in the Government has descended to the lower Classes, & a Council composed of these would frustrate every attempt to effect that general Reformation so essential to the success & permanency of the measures proposed by our Constituents. We therefore earnestly request that in consideration of the pressing exigency of our affairs, We may be favoured with the immediate assistance of Messrs Claud Russell, William Aldersey, Thomas Kelsall & Charles Floyer. These Gentlemen are seniors to any on the List of our Covenanted Servants below the Rank of Council & We cannot entertain a Doubt but their removal will be approved by the Court of Directors, when we have represented the reasons upon which this request is founded.—You, Gentlemen, are equally sensible with us of the importance of this settlement to the Company & no less sollicitous for its prosperity, which depends so much upon the judicious selection of the Board.[1] It is therefore our further desire that Mr Russell & the other Gentlemen may proceed with all possible Dispatch overland, as the season of the year would render a passage by sea tedious, & we are now forming Plans for collecting the Revenues, which will oblige several of the Members of the Board to be absent from the Presidency.

Fort William We are . . . . . .'
the 5th November 1765.

It appears from the Proceedings of the meeting of the Select Committee held on 9th January,[2] 1766, that a letter dated 10th December, 1765, had been received from the Presidency of Fort St. George to the effect that Messrs Russell, Aldersey, Kelsall and Floyer had been 'directed to proceed with all dispatch to Bengal', in consequence of the letter of 5th November, 1765, quoted above.

[1] I.e., the Council.
[2] See the Bengal Select Committee Proceedings of 9th and 20th January, 1766.—Bengal Select Committee Proceedings, India Office Copies, Imperial Record Dept., New Delhi; or Bengal Secret Consultations, Range A, Vol. VII, pp. 808–23, Imperial Record Department.

In his letters to the Court of Directors, dated at Calcutta 1st February and 20th March, 1766, Clive defended the action he had taken in concert with the Select Committee. His main defence was the 'corruption', 'Luxury' and the 'Licentiousness' prevailing in those days among the Company's servants in Bengal. 'The incapacity', said Clive, 'either from understanding or principle of some who rank next to Council and the unfitness from youth inexperience or *tainted integrity of others*,[1] who have abilities made us in vain search in this[2] Presidency for proper persons to assist us in our labours'. 'A change in the morals and principles' of the Company's servants in Bengal was 'absolutely necessary'. Besides, there was the effect of the 'horrid massacre by Cossim Ali Cawn' of a number of young men 'upon this Establishment who would now have entered into high stations'. 'It was not only my opinion', continued Clive,[3] 'but the opinion of the whole Committee, excepting one man[4] that in the present exigency of your affairs no measure could be adopted to answer so effectually the great purpose of restoring order, subordination, economy and Zeal for the service as requesting the assistance of four Gentlemen from Madras, till your pleasure should be known............Messrs Aldersey, Russell, Kelsall and Floyer, are men of such unquestionable abilities, have been so much employed in public offices, are so little acquainted with Bengal Luxury, and are known to be so moderate in their Expectations, that no doubt can be entertained of the success of their Assistance'.[5] In a letter, dated

[1] The italics are ours.
[2] I.e., Bengal.
[3] See his letter to the Court, dated at Calcutta 1st February, 1766.
[4] I.e., Mr Sumner. See page 202, foot-note 1.
[5] He also wrote :—'It gives me pain though it be my duty to repeat the observations that your service in general, for want of capacity or attention in some, and want of Principle in others has for these two or three years past been nothing but a scene of fraud and confusion ....In my former letters I with great truth as well as freedom observed to you that most of your servants in Bengal were so young, so extravagant, and had imbibed notions so contrary to their own honor and your interest that it was incumbent upon me to seek for assistance elsewhere—Your principal servants should always be men of sense, Years, and Experience....... It is impossible to conceive how

at Calcutta 31st January, 1766, the Select Committee also defended its application for assistance to the Presidency of Fort St. George. Among other reasons, it stated that this step was necessary for 'curbing licentiousness reforming abuses and subduing that universal passion' that had been prevailing among the Company's servants in Bengal, 'of accumulating riches in a manner inconsistent with the good of the country and your (i.e., the Company's) interest'.

It may be noted here that the Committee's application to Madras for help, caused a strong resentment among, and a great agitation by, many civil servants in Bengal. They not only sent a memorial[1] to the Court of Directors 'representing the injury and disgrace' they had suffered as a result of the

such a Government (as in Bengal) can long exist under the management of Boys whose principles are corrupted by example, and glare of wealth the moment they land.'—*Vide* Clive's letter to the Court, dated at Calcutta 20th March, 1766; also Clive's minute in the Bengal Select Committee Proceedings of 20th January, 1766, (India Office Copies, Imperial Record Department).

[1] See the Proceedings of the Select Committee, Fort William, of 20th January, 1766.—Bengal Select Committee Proceedings, India Office Copies, Imp. Record Dept. For a copy of the memorial see Appendix 10.

The copy as given in the Appendix is a copy of the copy of the memorial, which Clive placed before his Select Committee on 20th January, 1766.

It appears from the Proceedings of the meeting of the Select Committee held at Fort William on 20th January, 1766, that a copy of the memorial was placed before it by Clive; that he had not seen the original memorial; that the office of the Secretary to the Council at Fort William, had, according to an information which Clive had received on 11th January, 1766, 'from a young gentleman of undoubted authority' who had desired him to conceal his name, been 'employed in summoning the Civil Servants residing in Calcutta to sign this memorial, and in writing Circular Letters to the absentees for permission to add their names' to the list of signatories thereto; that a meeting had been held on 10th January, 1766, at (one) Mr Vansittart's country house at which it had been resolved that a memorial 'should be forthwith drawn up against the unprecedented & injurious step of sending for Councillors to this Presidency' from Madras, that those gentlemen 'should on their arrival be treated with Insolence, and Contempt, & that any person belonging to this Settlement who should presume to shew them the least Civility or Countenance should be branded with ignominy and banished Society'; that 'the most active in this Affair' had been 'Mr French, Mr Vansittart, Mr Majendie, the Factors, & Senior Writers; but that the memorial was to be signed by the whole body of Servants in the order' they ranked, 'to be laid before the Court of Directors, and there backed by the united interest of their respective friends'. See *ibid*.

action of the Select Committee; but also formed themselves into an association 'unbecoming', according to the Select Committee, 'at their years and destructive of that subordination without which no government can stand.' It also appears from a letter of the Select Committee to the Court of Directors, dated at Calcutta 31st January, 1766, that all visits to the President were forbidden by them, that 'all invitations from him and the members of the (Select) Committee' were to be slighted, and that the gentlemen brought down from Madras were 'to be treated with neglect and contempt'. Every man who would act otherwise were 'to be stigmatised and avoided'. 'In a word', wrote the Select Committee,[1] 'the members are totally to separate themselves from the head, decorum and union are to be set at defiance and it becomes a fair struggle whether we or the young gentlemen shall in future guide the helm of government'.

It may further be noted that one Mr William Majendie, Secretary to the Council, had been 'among a few others particularly pointed out' to the Select Committee 'as an 'active and busy person in getting the Memorial Signed and circular letters dispatched to the Junior Servants absent from the Presidency'. He was, therefore, called before the Committee and examined by it. He was asked altogether eleven questions and in answer to the first he admitted that he knew that a memorial had been addressed to the Court of Directors regarding the request of the Committee 'to the Gov^{r} and Council at Madrass for the assistance of certain Gentlemen upon that Establishment at this Presidency.' After having 'duly weighed and considered' his answers, the Committee held that they strongly confirmed the President's information as far as it related to him; that his answer to the first question showed how much he gloried in the share he had 'had in promoting the business of the Memorial'; that his 'silence to the several questions respecting the Engagements of Secrecy etc. into which the junior Servants entered', fully demonstrated

[1] See its letter to the Court of Directors, dated at Calcutta 31st January, 1766.

'that such Engagements actually existed'; that 'Engagements to form secret associations' were 'in themselves unwarrantable under any well regulated Government'; that in the then state of the Company's affairs in Bengal, all such engagements were 'highly factious, and criminal' inasmuch as they tended 'to stir up a seditious humour among the inhabitants, to promote discord, & to lay the Seeds of dissention & faction in this Settlement'; that 'Engagements to treat with disrespect, the President, the Members of the Committee, and the Gentlemen called down from Madras, by their authority', were 'Insults and Indignities offered to the Administration'; and that 'Mr Majendie, acting in a public Station, as Secretary to the Governor and Council', was 'more especially culpable than any other junior Servant, in aiding, abetting, countenancing, or any way assisting directly or indirectly, Measures' that had 'a tendency to promote faction, to create discontent or to shew disrespect to that Government, from which he, in a particular manner', held his employment. It was, therefore, of opinion that Mr Majendie having acted 'unbecomingly, undutifully & unfaithfully in his office of Secretary', merited its severest reprehension, and resolved[1] that he should be immediately dismissed from his office and suspended from the service of the Company.[2]

Mr Sumner dissented from this resolution.

In a letter, dated at Calcutta 1st February, 1766, Clive wrote to the Court of Directors that the example the Committee had 'thought proper to make, by the suspension of Mr Majendie, for having interested himself so warmly in his public capacity as Secretary to the Council, in the late association', had 'awakened the rest of young gentlemen,

[1] See the Bengal Select Committee Proceedings of 20th January, 1766, India Office Copies (Bengal Secret Consultations, Range A, in the Imperial Record Department); also the Court's General Letter to Bengal, dated 12th January, 1768, para. 14.

[2] Having also taken into consideration 'the undutiful and licentious behaviour upon this occasion, of several writers', the Committee agreed to recommend to 'the President to deprive in future of the benefit of Dustucks all those young Gentlemen, without exception, who have distinguished themselves, in promoting & supporting this unbecoming and unwarrantable Association'. Mr Sumner dissented also from this resolution.—B. S. C. Proceedings, 20th Jan., 1766.

from their dream of Independency', and that he had no doubt that in a few weeks there would be a 'greater activity in office and more decorum out of it than has been usual for some years'.

In its letter to the President and Select Committee at Fort William, dated 21st November, 1766, the Court approved of the action of the Select Committee in view, among other reasons, of 'the corruption & licentiousness' prevailing among its servants in Bengal and the abuses committed by them in connexion with the inland trade. 'We are convinced', it said, 'the gentlemen who agreed in this measure were actuated by the warmest zeal for our Interest but hope no such necessity will ever occur again, we do not mean that it shall be established as a precedent for future times: reserving the regulation and appointment of our servants to ourselves'. Further, in its General Letter to the President and Council at Fort William, bearing the same date, the Court wrote in connexion with 'the Remonstrance'[1] of its 'Servants on the Select Committee's sending to Fort St. George to be assisted with the four Gentlemen from that Presidency', that, although the remonstrance in itself was decent, yet their behaviour on the occasion otherwise had been so extraordinary 'that if passed unnoticed, there would be an end of all order and subordination, and consequently the Company's Affairs' would fall into the utmost confusion. In regard to their 'general agreement to refuse the President's Invitations, to treat with disrespect the members of the (Select) Committee who (had) concurred in this necessary measure, and with contempt and indignity the Gentlemen called from Madras', the Court said[2]:—'We look on it, as the most wanton Insolence and the highest Insult on our authority, in the young servants to have presumed to treat with disrespect the Noble Lord who stands so high in our Esteem, and a Committee distinguished by such marks of our Confidence'. 'And we do therefore order and direct you',

[1] I.e., the memorial to the Court of Directors by the discontented servants. See page 206 *ante*; also Appendix 10.

[2] See the Company's General Letter to the President and Council at Fort William, dated 21st November, 1766, para. 68.

continued the Court, 'to summon the whole of those servants residing in Calcutta, who were guilty of the said misbehaviour before You, and order them to make the most satisfactory concessions to the President and to the Select Committee; and the Servants of the Subordinates to do the same by Letter; In case of disobedience either to the Letter or Spirit of this order, whether by an absolute refusal or by the manner of doing it, We leave it to you to dismiss the most refractory among them, & to send them to Europe'.

As will be evident from the following extract from a General Letter to the Court of Directors from the President and Council, dated at Fort William 14th September, 1767, the civil servants concerned expressed 'sorrow' for their conduct as required by the Court:—

'We communicated your orders to all your Servants who behaved in so disrespectful a manner to the Committee and the Gentlemen called from Madras to take their Seats at our Board and appointed a Day for their attending on us to make the Concessions You required. On their attending the Council they expressed their sorrow for their former Conduct which had incurred the Displeasure of their Superiors, they hoped their Behaviour had for some time past been unexceptionable & they assured us it should be their future study to deserve your and our good opinion'.

And we also find—and this will be evident from the following extract from the Court's General Letter[1] to Bengal, dated at London 12th January, 1768,—that Mr William Majendie who, as we have seen before, had been dismissed from the office of Secretary to the Council and suspended from the service of the Company by the Select Committee, for the part he had taken in the agitation by Bengal civilians against the appointment of four civilians from Madras to the Council at Fort William, was 'restored' by the Court 'to his Rank in the service' after a reprimand :—

'We have, in consideration of his (i.e., Mr Majendie's)

[1] Addressed to the President and Council : para. 14.

fully acknowledging his imprudent Behaviour and making the strongest Professions of Fidelity and Obedience in every part of his future Conduct, been induced to grant his Request, especially as Lord Clive speaks well of him in all other respects in his Letter to us under Date of the 1st of February, 1766. However We have given him a Reprimand, and acquainted him that our future favour will depend upon his making good to your satisfaction his Professions of Amendment. He was informed likewise that upon his arrival he is to make a proper and due acknowledgment of his Misbehaviour in writing to you, also to the Select Committee, which you are to see done and cause the same to be entered upon your Diary as well for our Information as by way of Example to the rest of the Company's Servants. When this is performed to your satisfaction, he is to be restored to his Rank in the Service, which upon his Arrival will be that of a Factor'.

And in their General Letter, dated at Fort William 2nd February, 1769, the President and Council wrote to the Court in reply :—

'In obedience to your Orders Mr William Majendie has made concessions perfectly to our satisfaction which stand recorded in our Consultation of the 7th of November—And As we have every reason to be convinced of the sincerity of his professions we restored him to the service conformably to your Directions—and since that time we have appointed him in Council at Patna in the Room of Mr Francis Hare'.

Thus discipline was restored among Bengal civilians.

Public and Secret Departments.

The Council would sometimes form itself into two Departments, Public and Secret, for the transaction of its business. For instance, it did so at a (Public) Consultation[1] held at Fort William on 3rd November, 1763. The Secretary to the Council, Mr Graham, laid before it a plan 'for the better

[1] The following persons were present at this Consultation :—
The Hon'ble Henry Vansittart, Esq., President.
Warren Hastings, Esq.
Randolph Marriott, Esq.
Hugh Watts, Esq.

regulating & transacting the Business of Council at the Presidency of Fort William'. In doing this he said that he had no doubt that it would 'in Time effectually remedy the present blended & irregular Method of conducting the Business', and that he hoped that it might 'serve to convey our Transactions more clear & satisfactory to the observation of the Court of Directors'.

Under the plan proposed by him the business of the Council was, first, to be 'divided into two Departments the one to be termed the Publick & the other the Secret Department'. Secondly, the Public Department was to deal with 'all Affairs relating to shipping, Revenues Fortifications, Accounts, Appointment of Servants, etc.' Thirdly, the Secret Department was to deal with 'Military Plans & operations, the Country Correspondence, & all Transactions with the Country Government'. Fourthly, 'Distinct Books of Minutes, Consultations & Letters' were, therefore, to be kept and the following officers to be appointed 'to negociate (*sic*) the whole': One Secretary, one Assistant Secretary, two Sub-Secretaries, eight Assistants for the Public Department and seven Assistants for the Secret Department. The Secretary was to 'form the Drafts of all the Letters sent from both[1] Departments to the Court of Directors, the other Presidencies and the subordinate Factories, to take full Minutes of the Consultations & to issue all General Orders in[2] the Settlement.' The Assistant Secretary was 'to form Drafts of the Consultations[3] from the Secretary's Minutes, to be corrected by him[4] & then laid before the Board (i.e., the Council) for their Approbation, (and) also to write the first Copy of the fair letters for Europe'.[5] One Sub-Secretary was to be assigned to each Department and he was to superintend the work of his assistants and to 'examine & correct their Business taking care that for this Purpose it is always

[1] This word in the relevant MS. was found torn and mutilated.
[2] This word in the relevant MS. was found torn and mutilated.
[3] This word in the relevant MS. was found torn and mutilated.
[4] This word in the relevant MS. was found torn and mutilated.
[5] This word in the relevant MS. was found torn and mutilated.

regularly kept up'. He was also to see that the offices under him and all relevant papers were kept in proper order. Moreover, the two Sub-Secretaries were 'occasionally to write fair the Letters sent & General Orders & at least one Copy of the fair Letters from their own Department for Europe'. The Secretary to the Council also suggested that, if his plan was approved by the Council, necessary appointments should be made as proposed by him, and that the plan itself should be put into execution with effect from 1st January, 1764. Meanwhile, circular letters might be sent 'to all the subordinates directing them to conform themselves thereby[1] in their Correspondence'.

The Council approved of the plan as proposed by the Secretary, and agreed that it should come into effect from 1st January,[2] 1764, and that, meanwhile, circular letters as desired by the Secretary, should be written 'to all the subordinates at the first Consultation in December'. The Council also made the necessary appointments[3] with a view to giving effect to the plan.

Further, the Council informed the Court of Directors of the institution of the Secret Department, in its letter dated at Fort William 19th December, 1763. It wrote to it therein[4] as follows:

'Having experienced a great inconvenience and Irregularity from keeping the Diary & proceedings of our Commercial Business and the Transactions with the Country

[1] I.e., in accordance with the plan.

[2] We find, however, the following in the Public Proceedings of the Home Department, Fort William, *of 8th December, 1763*:—

'The President (Mr Henry Vansittart) lays before the Board (i.e., the Council) a letter which he has received from Major Adams dated 26th Ult. which being now read with the several Letters mentioned to be enclosed.

Agreed they be transferred to a separate Book of Consultations *which will commence the Proceedings of the Secret Department*'.

The italics are ours.

[3] Mr Graham was continued as Secretary 'with a salary of 4,000 rupees a year, besides his gratuity and all the fees of the offices'. Mr James Ashburner was appointed Assistant Secretary with a salary of 2,000 Rupees a year'. *Vide* Public Proceedings, Home Department, Fort William, 3rd November, 1763.

[4] Para. 44.

Government and Military operations all in one Book We have laid a plan for carrying on the Business in future in two distinct Departments'.

'And', the Council added, 'agreeable thereto We shall henceforward transmit you Distinct Letters, Books of Consultations, &ctra on the affairs of their respective Branches'.

And in its General Letter to the President and Council at Fort William, dated 15th February, 1765, the Court approved of the action taken by them in the following words:—

'The Plan you have adopted for conducting the Business of your Presidency in two distinct departments both under the management of the President & Council appears to us a very proper & necessary Regulation, and we expect you will take particular Care that the Books of each Department are kept in such forwardness that we may receive them by every ship, brought up as near to the time of her dispatch as possible'.

It may be noted here incidentally that the last meeting of the Secret Department as instituted on 3rd November, 1763, appears to have been held on 29th April, 1765.

At a Secret Consultation held, however, on 22nd August, 1768, the President (Mr Verelst) remarked that the Court of Directors had 'in their late Commands under date the 16th[1] March' vested in the Council 'the sole power of concluding Treaties, the power over their military, and all disbursements of money'. In view of this, he continued, the Select Committee was thereafter to lay before the Council, from time to time, important matters which might require the utmost secrecy. Besides, he also observed, the Committee had then 'affairs of the utmost consequence' to communicate to the Council. He, therefore, recommended that on all occasions when secrecy was essential, the Council should form itself into a Secret Department. The Council unanimously concurred in opinion with the President; and the following oath of secrecy being adminis-

[1] But see page 291, foot-note 2.

tered to every member present, it formed itself into a Secret Department[1] :—

'You[2] swear that you will be faithful to the trust reposed in You, that You will not disclose any of the Resolutions of the Select Committee or of this Board in its Secret Department untill (*sic*) the same is transmitted to the Court of Directors or you have the permission of this Board for so doing'.

And it was also agreed that one Mr Baber should be nominated Secretary, and one Mr Hinchman Assistant, to the Secret Department, and that they should take the following oath of secrecy :—

'You[3] swear that you will be true and faithful to the trust reposed in you as Secretary and Assistant to the Board in the Secret Department, that you will not disclose any resolutions of the Select Committee or of this Board, that you will be careful of all records entrusted to your care, and to the utmost of your power and abilities preserve them in your office with Secrecy suffering no person to peruse them but with the approbation of this Board'.

The Secret Department as instituted on 22nd August, 1768, continued to exist even after[4] the reconstitution of the Government of Bengal under what is popularly known as Lord North's Regulating Act of 1773, but the last meeting of this Department under *the old system of Government* was held on 17th October, 1774[5].

[1] See Consultation, Fort William, 22nd August, 1768.—Bengal Secret Consultations, 1768.

[2] The oath occurs in this form in the relevant MS. Record.—See Consultation, Fort William, 22nd August, 1768.—Bengal Secret Consultations, 1768.

[3] The oath occurs in this form in the relevant MS. Record.—*Ibid.*

[4] E.g., see the Proceedings of the Council at Fort William, Secret Department, of 25th or 31st October, 1774.

[5] See Secret Consultation, Fort William, Monday, 17th October, 1774.

The new Council constituted by the Act of 1773 met at Fort William for the first time on 20th October, 1774, without Mr Richard Barwell, and ordered the necessary Proclamation to be made "at 7 o'clock Tomorrow Morning (i.e., 21st October), at the Court House ... agreeable to a Requisition in the Act."—See the Fifth Report (1782), Committee of Secrecy, App. 44.

Controlling Committees. The Council constituted[1] in March[2] 1771 five Controlling[3] (or Superintending) Committees, namely, the Controlling Committee of Treasury, the Controlling Committee of Revenue, the Controlling Committee of Commerce, the Controlling Military Committee, and the Controlling Committee of Accounts. These Committees were formed with a view to giving effect to the following direction of the Court of Directors conveyed by its General Letter[4] to the President and Council at Fort William, dated 23rd March, 1770:—

'That the said (Bengal) Council be formed into proper Committees that the Controul, Superintendancy (*sic*) and Direction of the Company's Affairs at the Presidency & Subordinates may be faithfully and impartially transacted to their (i.e., the Company's) greatest benefit & advantage'.

It was intended[5] by the Court that effect would be given to the above direction by the three Special Commissioners, namely, Messrs Henry Vansittart, Luke Scrafton and Francis Forde, who had been previously[6] appointed by it, with the approval of the King of England, 'with full Powers of superintending the Company's several Presidencies & directing their operations to one uniform Plan'.[7] It appears from the

[1] See in this connexion the author's '*Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72, pp. 117-29.

[2] See the Proceedings of the Council, Secret Department, Fort William, of March 7th, 14th, and 21st, 1771.

[3] Also spelt 'Comptrolling'.

[4] See para. 179 thereof. The letter was received by the *Mansfield* on 31st October, 1770.

[5] See para. 179 of the Company's General Letter to Bengal, dated 23rd March, 1770.

[6] See the Company's General Letter to the President and Council at Fort William, dated 30th June, 1769, paras. 32, 37, and 38. The letter was sent by the *Lapwing*.

[7] In connexion with the appointment of the Special Commissioners the Court of Directors had also written to the President and Council at Fort William, in its letter of 30th June, 1769, by the *Lapwing* :—

'Para. 34 : Upon a general view of the State of the Company's Affairs in India, the alliances we are engaged in with the Country Powers, the frequent change of those alliances and the Succession of Wars in which we are thereby Involved we find it absolutely necessary to take some effectual measures to regulate the Political System of the three Presidencies upon one uniform Plan, the first object of which will be a general Pacification of the Troubles in India upon a solid Basis, or if unhappily Circumstances should be such that some Military Operations must be continued we shall make it easier to bring the

Company's General Letter to Bengal, dated 10th November, 1769, taken along with its General Letter to Bengal, dated 15th September, 1769, that the three Commissioners had embarked from Spithead on the 30th of September, 1769, on board 'His Majesty's Frigate *Aurora*'. Since, however, no intelligence had been received of the Commissioners even down to 31st October, 1770, the President and Council at

Forces of the three Presidencies to co-operate and reduce our Enemies the sooner to submit to reasonable Terms.

'Para. 35: The vast increase of charges in every Department is another object requiring extraordinary Powers of Reformation, and the Establishment of a better mode of collecting the Duannee Revenues no less so, not only as it immediately affects the Company's Interest, but as being essential to the ease and happiness of the People, the Security of their Property, and the consequent encouragement of Cultivation & Manufactures.

'Para. 36: The directions we have hitherto given upon these important points have produced in return many arguments but few Effects, and as by this mode of proceeding we may never be able to establish the necessary Regulations we have resolved to appoint Commissioners to proceed to India to carry our Orders into Execution without loss of time.

'Para. 37:—We have accordingly appointed Henry Vansittart, Luke Scrafton & Francis Forde Esqrs to be our Commissioners for the said purpose with Powers as Expressed more fully in their Commission which will be notified to you upon their arrival. But that you may be acquainted in general with the nature of it, *you are to understand that the Government of all the Settlements is left in its usual course & channel, but the Commissioners have a superintending and controuling Power over the whole in like manner as if we the Court of Directors were ourselves present upon the spot*; and they are to proceed from Presidency to Presidency to make the desired Orders and Regulations. They will advise with you so far as they judge necessary upon the several matters which they shall be instructed or shall think fit to take under their consideration, and as they are fully acquainted with our sentiments upon every subject they will explain more particularly our Designs and Wishes which we are persuaded you will adopt upon Conviction without putting them to the necessity of making use of the Authority with which they are Invested. (The italics are ours.)

'Para. 38:—The Union of Interests between the Nation and the Company by the participation of Revenues under the present agreement with the Government having made us in some measure responsible to the Public for our Conduct it became necessary that His Majesty should be informed of our intention in appointing this extraordinary Commission, and we have had the satisfaction of receiving the Royal approbation with a strong recommendation to pursue every measure for the reform of abuses & the due management of the Important Interests which we have in charge in the several parts of India'.—*Ibid.*

[The expression 'the Union of Interests, etc.' in para. 38 quoted above, refers to the statutory requirement (7 George III, Cap. LVII and 9 George III, Cap. XXIV), under which the Company was required

Fort William wrote to the Court of Directors on 1st November,[1] 1770, that, 'as not the least probable hope' then remained of the arrival of the Supervisors (i.e., the Commissioners), they would carry its 'several Commands (intended to be executed by the Commissioners) as far as in their Power into Execution'. Now, as we have seen before,[2] one of the duties entrusted to the Commissioners by the Court's General Letter to Bengal of 23rd March, 1770, was the formation of several Committees from among the members of the Council. And the extracts from the Directors' Letter to the Commissioners, also dated 23rd March, 1770, relating to the Presidency of Bengal, which the Select Committee at Fort St. George (Madras) had sent[3] to Fort William by the *Minerva* sloop, also contained 'the Plan of the new Method

to pay to the British Government an annual sum of £400,000 a year, and as a result of which it was permitted to retain its territorial acquisitions and revenues in the East Indies (see pages 89-91 *ante*)].

Moreover, the Court of Directors had stated in its General Letter to Bengal, dated 15th September, 1769 :—

'The Commission and Instructions which we have judged it expedient to give these Gentlemen (i.e., the three Commissioners), You will be properly informed of, from them, and due obedience to the authority delegated by (to ?) the said Commission is hereby strictly required from all whom it may concern, And it is our Express Order and Direction that you our Governor and Council as well as our Servants in general do afford every assistance the Commissioners may require that the great Business of their Commission may be facilitated in the best manner possible, and thereby brought to a speedy Conclusion '.

This letter was received by the *Houghton* on 4th June, 1770.

See Appendix 11 for further details.

[1] See the General Letter to the Court of Directors, dated at Fort William 1st November, 1770; also Secret Letter to the Court of Directors, dated at Fort William 8th September, 1770; also the Postscript to the General Letter to the Court, dated at Fort William 28th June, 1770; also Secret Consultation, Fort William, of 6th July, 1770, and the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Ch. IV.

[2] See page 216 *ante*.

[3] The following letter from the Select Committee at Fort St. George, dated 20th February, 1771, will explain the reason why the extracts in question were sent from Madras :—

'To the Honble John Cartier Esqr
President & Governor Etc. & Council
at Fort William.

Honble Sir & Sirs

In consequence of your Letter to the Board of 10th January it hath been referred to us to open the several Packets directed to the Commissioners left at this Place & to transmit to your Honour Etc

to be adopted by this Government[1] and the titles powers and Instructions for the several Committees which are to consist of the Members of the Board[2] and are to have the Controul and Direction of every Branch of the Company's affairs '.[3] It was in these circumstances that the President and Council undertook, owing to the non-arrival of the Special Commissioners, the task of forming, and actually did form in March, 1771, as mentioned before,[4] the five Controlling Committees.[5]

At first, the Court of Directors had ordered that the several (Controlling) Committees should each consist of only four[6] members of the Council at Fort William. Later on, in its General Letter[7] to Bengal, dated 18th December, 1771, it directed that each Controlling Committee should consist of five members of the Council, and that no orders should 'be conveyed to any of the persons under the direction of each Committee respectively, until such Order shall have been first approved, in Committee, by three or more of the said Members of Council, appointed to form such Committee '. What actually happened, however, may be briefly described as follows. The extracts from the Directors' Letter to the Commissioners, dated 23rd March, 1770, which had, as we have seen before, been sent to the Council by the Select Committee at Fort St. George, having been read by the Council at a Secret Consultation held

Copies of such parts as relate to your presidency We now accordingly forward to you by the Minerva such Extracts as have least regard to the affairs under your Management . . .

In the Packet to the Commissioners by the Mansfield we found a Copy of a Letter from the Court of Directors to Your Honour Etc. which we enclose.

FORT ST. GEORGE, We are, etc . . .'
20th Feby., 1771.

[1] I.e., the authorities at Fort William.
[2] I.e., the Council at Fort William.
[3] See the Secret Consultation, Fort William, of 7th March, 1771.
[4] See page 216 *ante*.
[5] For further details in this connexion see the author's *Early Land Revenue System in Bengal & Bihar*, Vol. I, pp. 120–29; also the Proceedings of the Council, Secret Department, Fort William, of 7th, 14th and 21st March, 1771.
[6] See the Company's General Letter to Bengal, dated 18th December, 1771, para. 23.
[7] Addressed to the President and Council at Fort William.

at Fort William on 7th March, 1771, it resolved 'that these Committees do take place immediately and that the Board do meet again on the 14th Instant (i.e., March) to re-peruse and consider these Extracts and to issue the necessary Orders'. Accordingly, the Council considered the extracts at a Secret Consultation held at Fort William on 14th March, 1771, and resolved, among other things, to inform 'the several Councils of Revenue, Factories and Residencies of the appointments (*sic*) of the Comptrolling Committees', and to 'command them to correspond in future with the Committees of Revenue and Commerce on the subject of Revenue and Investment'. It also agreed to direct them 'to obey in the same manner as if they came from us[1] whatever orders may be sent to them from those Committees relative to the several Departments put under their Management'. Moreover, it ordered[2] 'that the Secretary (to the Council) do also inform the several Heads of Offices of their being put under the Direction and Orders of the Comptrolling Committees whose commands they are punctually to obey and execute in the same manner as if they were the Commands of the Board (i.e., the Council)'. Further, the Chief Engineer (of the Company in Bengal) was directed by the Council 'to make his future Applications to the Comptrolling Military Committee on the subject of the Fortifications'. Lastly, the Council agreed upon the form in which the several Committees should be addressed, and ordered that 'the several Factories Residencies and Offices' should be 'directed to use' the following 'form of address in all their Letters and applications': 'To the Honble the President & Members of the Comptrolling Committee of . . . . .' In accordance with these decisions the Council wrote a number of letters[3] to its subordinate agencies.

[1] I.e., the Council at Fort William.
[2] See the Secret Consultation, Fort William, of 14th March, 1771.
[3] For instance :
The Council wrote to the Chief and Council of Revenue at Muxadabad (i. e., Moorshedabad) :—

'Gentlemen
In Conformity to the Orders of our Honble Employers We have

Further, at a Secret (Department) Consultation, held at

instituted Committees for the Controul and Direction of every Department of the Company's affairs in Bengal and Behar.

Under the Committee of Revenue is placed all Business relative to the Revenue and you are to correspond in future with this Committee on all such Matters as regard that Branch. And whatever orders they may send, You are punctually to obey and execute in the same manner as if they were sent by us. You are to address them as follows :—

To

the Honble the President & Members of the Comptrolling Committee of Revenue.

Fort William, We are, etc.'
14th March 1771.

To the Chief and Council at Patna :—

Gentlemen

In conformity to the Orders of our Honble Employers, We have instituted Committees for the Comptrolling and directing every Branch of the Company's affairs in Bengal and Behar. Under the Committee of Commerce is placed all Business relative to the Investment and You are therefore to correspond in future with this Committee on all the Matters regarding it And whatever Orders they may send you are punctually to obey and execute in the same manner as if they were sent by us.

You are to direct to them as follows :—

To

the Honble the President & Members of the Comptrolling Committee of Commerce.

Fort William We are, etc.'
14th March 1771.

Mutatis mutandis, letters as quoted above were sent ' to Cossimbazar, Dacca, Chittagong, Burdwan, Midnapore, Malda, Muxadabad & Patna Revenue Councils,' as the case might be.

To the Commander-in-Chief of the Forces under the Presidency:—

' Sir

In Conformity to the Orders, etc..............Behar

Under the Military Committee is placed all Business relative to Fortifications and Repairs The Field Expences the Pay and Batta the Commissaries Accounts and all the offices that have any concern with Military Affairs. They are likewise to be careful that the Military Establishment is in no respect encreased.

We therefore desire that in future you will correspond with them on the above subjects and whatever Orders they may send Relative thereto are to be obeyed equally with those sent from our Board.

You are to address them as follows :

To

The Honble The President & Members of the Comptrolling Military Committee.

Fort William We are, etc.'
14th March 1771.

Fort William, on 21 March[1], 1771, the Council took up the question of the actual constitution and powers of the

To the Chief and Council of Patna :—

' Gentlemen

In Conformity, etc ....Bengal and Behar (the same as before).

Under the Committee of Accounts is placed all Business which relates to accounts and you are in future to transmit to them the accounts of your Factory and to correspond with them in all such matters as regard that Branch. And whatever Orders they may send you are punctually to obey and execute in the same manner as if they were sent by us.

You are to address them as follows:

To
The Honble the President & Members of the
Comptrolling Committee of Accounts.

Fort William
The 14th March 1771.

We are, etc.'

Mutatis mutandis, similar letters were sent ' to Dacca, Cossimbazar & Chittagong factories The Residencies of Burdwan, Midnapore & Malda '.

To the Chief & Comptrolling Council of
Revenue at Moorshedabad :—

' Gentlemen,

In conformity to the Orders, etc.............. in Bengal & Behar (as before).

Under the Committee of Accounts is placed all Business which relates to accounts and to the Gold and Silver Coinage And you are in future to transmit to this Committee the Accounts of the Council and to correspond with them on all such matters as regards the above Departments. And whatever orders they may send You are punctually to obey and execute in the same manner as if they were sent by us.

You are to address them as follows:

To
The President & Members of the
Comptrolling Committee of Accounts

Fort William
the 14th March 1771.

We are, etc.'

Mutatis mutandis, a similar letter was addressed to the Council of Revenue at Patna.

Vide Secret Consultation, Fort William, 14th March, 1771. For the Councils of Revenue at Moorshedabad and Patna, see the author's '*Early Land Revenue System in Bengal and Bihar, Vol. I*', Ch. IV.

[1] Present: The Hon'ble Mr John Cartier, President,
Mr Thomas Kelsall,
Mr Charles Floyer,
Mr John Reed, and
Mr Francis Hare.

different Committees for its consideration. At the outset, however, the Hon'ble Mr John Cartier, President, observed that, as the meeting of the Board (i.e., the Council) had been held with a view to forming Committees from among its members 'for controuling of the different Departments of the administration', and that, as three of its members were absent, he thought that the final appointment of the members who would constitute the different Committees, should be postponed till they (i.e., the members then absent) had come back and resumed their seats; that 'in the intermediate Time the different Departments which those Committees' were designed to superintend, should become the 'Duty of the Present Board' (i.e., the Council as then constituted minus the absent members); and that on that date the clerks and secretaries to the different Committees should be appointed and 'the Line of each Committees Power laid down'.

'So very enlarged and important a Branch as that of the Revenue'[1], continued Mr Cartier, 'I would recommend in the final Settlement of that Committee the Same be composed of the whole Board for as the Resolutions when formed of only a Part cannot be final and conclusive but must be referred to the Board in a collective body, Time may be lost before the sanction of the Board can be obtained and the Orders of the Committee in Consequence issued, which I apprehend will be saved if it should be determined to conduct it by a Committee of the whole Board'.

The Council unanimously agreed with the President that the several Committees should be 'composed of the whole Board', pending the return of the members then absent, and that 'the appointment of particular members of the Board to the several Committees should be postponed till then'. The Council also agreed by a majority[2] with the President's

[1] It may be noted here that the management not only of the revenues of the Diwani lands, but also of those of Burdwan, Midnapore, Chittagong, and the Calcutta lands was to be under the Controlling Committee of Revenue.—See Mr Reed's Minute, Secret Consultation, Fort William, 21st March, 1771.

[2] Messrs Charles Floyer, John Reed and Francis Hare concurred with the President.

view that 'the Committee of Revenue should be composed of the whole Board and constantly remain so'. As, however, only five members including the President were present at this meeting and as it had been agreed that the consideration of 'Matters of Importance' should be deferred till the meeting of 'a fuller Board', it was decided, in view perhaps of the difference of opinion on the question of the constitution of the Committee of Revenue, that the final decision thereon should be postponed till the return of the major part of the 'Absent Members'. The Council thus formally formed itself into five distinct Committees as mentioned before, each consisting for the time being of all its members then at Fort William. It also appointed a separate Clerk (i.e., Secretary) for each Committee,[1] and issued through the Secretary to the Council, 'general Instructions[2]' to the different Committees, defining their respective duties. Moreover, it directed that its Instructions to each Committee should be accompanied by such extracts[3] from the letter of the Court of Directors to the Commissioners as might concern it.

[1] For the Committee of Treasury	...	Mr George Bright.
,, ,, ,, of Revenue	...	Mr W. Wynne.
,, ,, ,, of Commerce	...	Mr Herbert Harris.
,, ,, Military Committee	...	Mr Samuel Tonchitt.
,, ,, Committee of Accounts	...	Mr Samuel Lewis.

—*Vide* Secret Consultation, Fort William, 21st March, 1771.

[2] For the Instructions issued to the Controlling Committee of Revenue, see the Author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 126-28. Also see Appendix 11 in this connexion.

[3] We have given in relevant places (see pages 226-30, foot-notes) copies of the Extracts from the Court's letter, dated 23rd March, 1770, to the three Special Commissioners appointed by it, relating to the Controlling Committee of Revenue, the Controlling Committee of Commerce, and the Controlling Military Committee. The copies of the Extracts relating to the first two of these Committees we have obtained from the Bengal Secretariat Record Office, Calcutta; and the India Office, London, has, on request, kindly supplied to us a true copy of the Extract relating to the Controlling Military Committee. But the Extracts from the Court's letter to the Commissioners, relating to the Controlling Committee of Treasury and the Controlling Committee of Accounts, or any copies thereof, are not available either in the Imperial Record Office, New Delhi, or in the Bengal Secretariat Record Office, although we have made a search for them. (As a matter of fact, none of these Extracts in the original, nor any copies thereof, are available in the Imperial Record Office.) On 22nd December, 1937, we wrote to the Under-Secretary of State for India, Record Department, India Office, London, requesting him to send

It is evident from what has been stated before that the five Controlling Committees, when originally constituted in March, 1771, were each to consist, for the time being (and pending the return of the absent members), of all the members of the Council then at Fort William. As will appear[1] from the following extract from a General Letter[2] to the Court of Directors, dated at Fort William, 30th August, 1771, the Controlling Committees were reconstituted later on as directed by the Court:—

'At the Time of Modeling the Government according to the plan dictated to us in your Letter of the 23rd March 1770—We were unable to carry your order into their fullest extent from the absence of some of the members of the Board as we judged it a reasonable indulgence to allow them a time for the adjustment of their private concerns before their return to the Presidency and we were for a time under the necessity of superintending in our full Board all the different Departments—It is with pleasure we acquaint you of our having at length *been enabled to carry your plan fully into Execution by the return of the members and the arrangement of the several Superintending Committees has been made*

us certified copies of those Extracts as well as of the Extract relating to the Controlling Military Committee. Mr W. T. Ottewill of the India Office has kindly supplied to us a true copy of the last mentioned Extract. But he has not been able to send us copies of the Extracts relating to the Controlling Committee of Accounts and the Controlling Committee of Treasury as they are apparently not available in the India Office. He has, in his letter No. R. 90/1938, dated 16th February, 1938, written to us to say that he caused an exhaustive search to be made for them, but without success.

[1] We have purposely used the word 'appear' as we do not find any change effected in the constitution of the Controlling Committee of Revenue even up to the date of its dissolution. Throughout the period of its existence it was the whole Council acting in a different capacity with a separate Secretariat of its own. The first meeting of the Committee was held at Fort William on 1st April, 1771, under the Presidentship of Mr John Cartier. It continued to function till 10th October, 1772. A new body, styled the Board of Revenue, consisting of all the members of the Council, was constituted on 13th October, 1772.—See the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72, pp. 126-28.

[2] Para. 49.

Also see the Bengal Revenue Department's Letter (para. 50) to the Court of Directors, dated at Fort William, 30th August, 1771, per *Stag Frigate*.

conformably to your orders[1].—Regular days are fixed for holding the Council and Committees in their various Departments that the Secretaries and Clerks may have their proceedings of the week before regularly kept up and laid before us for our approval'.

Functions of the Controlling Committees.

Briefly speaking, the Controlling Committee of Treasury[2] was to be in charge of the Treasury of the Company at Fort William. It was forbidden, however, to 'make any Issues from the Treasury without an order in writing from the Board (i.e., the Council)'; and it was required to lay before the latter every week the 'exact State of the Treasury' for its inspection. Moreover, it was to effect, subject to the confirmation of the Council, 'such Improvement or alteration in the management of the Treasury or in the method of conducting the Business' thereof as might appear to it 'to promise any advantage to the Company'.

The Controlling Committee of Revenue[3] was constituted 'for the Inspection Controul and Regulation of all affairs

[1] The italics are ours.

[2] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Committee of Treasury'. —Proceedings, Council, Fort William, Secret Department, 21st March, 1771.

[3] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Committee of Revenue'.—Secret Proceedings, Fort William, 21st March, 1771; also Consultation of the Controlling Committee of Revenue, Fort William, 1st April, 1771; also O. C. No. 1, 1st April, 1771, Revenue Department, Controlling Committee of Revenue; also the author's ***Early Land Revenue System in Bengal and Bihar***, pp. 124–26.

The relevant Extract from the Letter from the Court of Directors 'to the Commissioners for the Forces and Affairs of the Company in India', dated 23rd March, 1770, ran as follows :—

'Part of Para. 96. A Committee of Revenue is to be appointed consisting of Four; to this Department will belong the Examination of the Books and . . . . . . of the several Revenue Collections and Charges. . . . . . They are to remark Excesses and Savings, Point out neglect, misconduct and merit, be watchful that the Renters neither abuse or are abused, and to form Regulations where they may be necessary for the better Improvement of Revenues, the Inland Duties, Customs on Goods Imported and Exported, will be branches within the province of this Board Concerning the Trade in Salt Beetlenut and Tobacco, whence the causes of great mischief to our affairs and the Country general have sprung; from this Committee we hope to derive a clear Knowledge of; for these and every other Duty under this Department there will be the Collectors of the Revenues at the Durbar, Burdwan, Midnapore, Chittagong and Calcutta Pergunnahs, The Collector General

that come within the Honble Company's Revenue Department'. The Council had previously sent orders to the Councils of Revenue at Moorshedabad and Patna, to the Residents at Burdwan and Midnapore and to the Collectors of Chittagong and the Twenty-four Parganas, asking them to correspond with this Committee in future on every matter relating to revenue, and to obey its 'Directions on that subject with as much precision and punctuality' as if they had been sent by the Council itself. The 'Custom Master' of the Company in Bengal had also received orders from the Council to obey all commands from the Committee on whatever related to his Department. In consequence of this arrangement all applications that had till then been made by the above-mentioned Councils, Residencies, etc., to the Council at Fort William, were now directed to be made to the Committee, in so far as they related 'to the Business of the Revenue'. And the Committee was to 'issue' its 'Orders' and to 'transmit' its 'opinions in answer thereto without waiting for the Directions or Determination of the Board (i. e., the Council)'. Thus its decisions on revenue matters were to be final[1].

The Controlling Committee of Commerce[2] was instituted 'for the Inspection Controul and Regulation of all affairs'

and the Custom Master, and by this Committee all Grievances and oppressions of the Renters and all concerned in (any) shape in the Revenues shall be considered and redressed; and that those concerned may have. . . . . that this Committee is open to their Complaints the same is by Beat of Tom Tom to be published once in every year, and posted up in all Languages in the Public Buzars within our Jurisdiction.

A true copy
W. WYNNE'

See the Proceedings of the Controlling Committee of Revenue, Fort William, 1st April, 1771.

[1] Also see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 124–26.

[2] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Committee of Commerce'. —Secret Proceedings, Fort William, 21st March, 1771.

The relevant Extract from the Court's letter (part of Para. 96) to 'the Commissioners for the Forces and affairs of the Company in India—dated 23rd March, 1770', ran as follows :—

'A Committee of Commerce is to be established to consist of four Members, this will be an extensive Field, under their Jurisdiction will

coming within the scope of the Company's Commercial Department. The Council had previously sent orders 'to all the Subordinates and Residencies to correspond' with this Committee 'in future on every matter relative to the Investment,' and to obey its 'Directions on that Subject with as much Precision and Punctuality' as if they had been sent from the Council. The Export and Import Warehousekeepers had also been directed by the Council to obey all the commands of the Committee in regard 'to their several Departments'.[1] The Aurungs[2] were also to be under their direction and management. In consequence of this arrangement, all such applications as had up till then been made to the Council 'by the several Subordinates Residencies and Offices', were in future to be made to the Committee in so far as they concerned the Company's investment or commerce in general. The Committee was to dispose of all such cases as might 'fall under the Denomination of current Business and ...... require

be all the subordinate (*sic*) except what concerns the Revenues, also the Warehousekeepers, it must be their Province to inspect that every Chiefship procures the Investment assigned that the Agent of the greatest Individual, no more than the Chief Secretary either interferes with the Companys manufactures and Purchases, that they...... particular Attention to the Branch of Silk encouraging its Extension and properly supporting those We have sent a broad (abroad ?) for this great Purpose, that they constantly attend to the enlarging of our Investments allowing always for a reasonable share and no (?) more to the Commerce of our Covenanted Servants entitled to Dustuck that the private Trade in Salt Beetlenut and Tobacco be free, equal, and open to all without Distinction, subject to all Duties which may be levied on behalf of the Company, that they are watchful to prevent Foreigners, and others from breaking in too much upon our Export Commerce that they encourage the vegetation of Salt Petre and Poppy and take care that the Duties of the Warehousekeeper are strictly kept up. Connected with this Board are the subordinates the Export Warehousekeeper and the Import Warehousekeeper and by this Committee all Grievances and Complaints of the Natives and others regarding Trade shall be considered and redressed and to be published and posted up in the same manner as is directed to be done in respect to the Committee of Revenues.

(A true copy)
(Signed) W. WYNNE
Secy.'

[1] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Committee of Commerce'.—Secret Proceedings, Fort William, 21st March, 1771.

[2] See the Glossary.

Dispatch'. It was forbidden, however, to take any action in regard to any important matter in which a little delay would not be 'attended with inconvenience', without the sanction of the Council. Generally speaking, its opinion was not to be conclusive; on the contrary, it was said to have been the intention of the Court of Directors that all regulations should ultimately be passed by the President and Council. The Committee was to provide for the Company's investments in Bengal, subject to such directions as it might receive from the Council, and with the help of the money appropriated therefor by the latter in accordance with the Court's instruction thereon.

The Controlling Military Committee[1] was established 'for the Inspection Controul and Regulation of all affairs' coming within the scope of the Company's Military Department. The Commander-in-Chief 'of the Forces under the Presidency' of Fort William was invariably to be a member of the Committee whenever he would be in Calcutta. The Council had previously 'issued orders to the Military Storekeeper, The Military Paymaster General, The Paymasters of the Brigades, The Commissaries to the Army, the Commissary of Boats, The Paymasters to the new Works, the Storekeeper of the Works, The naval Storekeeper and the Master Attendant', Bengal, to obey the directions of the Committee in all matters relating to their respective Departments. The Commander-in-Chief was also desired to correspond with them in respect of certain matters[2]. In consequence of this arrangement, all

[1] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Military Committee'. —Secret Proceedings, Fort William, 21st March, 1771.

[2] As mentioned in the Extract from the Court of Directors' letter to the Commissioners referred to before. And the relevant Extract from the Court's letter (part of Para. 96) 'to the Commissioners for the Forces and Affairs of the Company in India', dated 23rd March 1770, ran as follows :—

'A Military Committee is to be formed of Four Members, the Military Commander always to be one when in Calcutta their principal Branches will be an examination of the Military Storekeeper, Military Paymaster, Commissarys and Master Attendants Books and Accounts, The Fortifications and Repairs, The Field Expences, the Pay and Batta, that our Military Establishment is in no respect increased, that the Commissaries Accounts are inspected with great Exactness, and

such applications as had till then been made to the Council by the several offices now placed under the Committee, were in future to be made to the Committee. The Committee was to refer them to the Council as often as it might find it necessary to do so.

As we have seen in the case of the Committee of Commerce, the Military Committee was empowered by the Council to dispose of all current business requiring 'Dispatch'. 'But', the Council wrote to the Committee, 'in Points of more importance and wherein a short Delay cannot be attended with Inconvenience, You are to report your proceedings to the Board (i.e., the Council) and wait their Sanction before Your Resolutions are carried into Execution; for in general your Opinions are not to be conclusive On the contrary it is evidently the Intention of the Court of Directors that all Regulations shall pass ultimately from the Honble the President and Council'.

Lastly, the Controlling Committee of Accounts[1] was instituted by the Council 'for the Inspection Controul and regulation of all affairs that came' within the Company's Department of Accounts. The Council had also previously sent orders to all the Subordinates and Residencies under it, directing them to correspond with the Committee in future on every matter relating to accounts, and to obey its commands in regard thereto, with as much precision and punctuality as if

that if they are as heretofore kept back, this Committee is to make public Complaint, the Master Attendants Conduct (and here the Military Officer must withdraw) respecting Vessels, Building and Repairing Boats, the Dock and every Marine Charge, and all that relates to the Pilots must be constantly and particularly examined this Department will then Superintend the Military Storekeeper the Military Paymaster the Commissaries the Master Attendant, the Army and Army Paymasters.

A true copy
(Signed) W. WYNNE,
Secy.'

See the Proceedings of the Controlling Military Committee, Fort William, of 29th March, 1771.—Bengal Military Proceedings, 29th March, 1771.

We are obliged to the India Office, London, for supplying to us this Extract.

[1] See the Council's Instructions to the Hon'ble Mr John Cartier, 'President & Members of the Comptrolling Committee of Accounts'. —Secret Proceedings, Fort William, 21st March, 1771.

they had been sent from itself. 'Patna & Moorshedabad'[1] were 'likewise particularly informed to send' information to the Committee, and to attend to its directions, 'on every particular relative to the Gold and Silver Coinage.' 'The Sub Accomptant the Buxey the Mint Master and Assay Master', Bengal, were also placed under the superintendence of the Committee, and were directed by the Council to obey its commands on whatever appertained to their several Departments. In consequence of this arrangement, 'all applications and addresses that' had previously been sent to the Council by 'the several Subordinates Residencies and Offices,' were now directed by it to be made to the Committee in so far as they related to accounts or to the business of coinage. The Committee was to refer them to the Council as often as it might be necessary to do so. Similar instructions were issued by the Council for the transaction of current business as well as matters of importance by this Committee, as we have seen in the case of the Committee of Commerce or the Military Committee.

By the above regulations the current business which would formerly come up before the Council for consideration, was henceforth to be diverted, with the exception of a few cases as noted below, 'into the channels of the several Comptrolling Committees'.[2] 'All Correspondence to & from Foreign nations' was to be carried on by the Council. All appointments of servants, officers, surgeons and pilots were to be made by it; and all applications for returning to Europe were also to be made to it. All salaries and allowances were to be fixed by it and all advances from and payments to the Treasury were to be made under its orders. All indents from other Presidencies and from the Subordinates, were to receive its sanction before they were to be complied with. The President was to deliver as usual his cash account to it, etc.

Finally, the Council resolved at the Secret Consultation held on 21st March, 1771, that all matters then under its consideration

[1] Obviously, the Councils of Revenue at Patna and Moorshedabad.
[2] See the Secret Proceedings, Fort William, of 21st March, 1771, and also App. 11.

should be 'severally referred to those Committees whose Cognizance they come under'.

Members of Council and Subordinate Factories.

Members of the Council at Fort William were often appointed Chiefs, or members of the Councils, of subordinate factories. This was done in accordance with the instruction of the Court of Directors. For instance, in a General Letter[1], dated 31st January, 1755, the Court wrote to the President and Council at Fort William :—

'As the entrusting the conduct and Management of our Affairs at the Subordinates to People of Experience is of the highest concernment to the Company it must be observed by you for the future as a Standing Rule or Order that our Sett of Servants at Cossimbazar do consist of Two of your Council and one Senior Merchant at least besides Junior Servants, at Dacca of one of your Council a Senior Merchant and Junior Servants, and that One of the best Qualified Servants next below Your Council be always appointed Chief of Jugdea, Luckapore or wherever else the Jugdea settlement shall be moved to'.[2]

In another letter[3] the Court stated: 'Being convinced that

[1] Para. 62.

[2] It may be interesting to note the following in this connexion :—

'For the better accommodation of each Factory we do hereby direct and appoint that the Chief of Cossimbazar be allowed annually the sum of Four thousand current Rupees for the keeping of a Table and in full of any other Emoluments or Allowances whatsoever, and that the further sums to be allowed to the Chiefs of our other subordinates be expressly on the same conditions viz To the Chief of Dacca Current Rupees Three Thousand to that of Luckipore Two thousand Five hundred Current Rupees, and the Chief or Resident at Bullramgully Twelve hundred current rupees per annum; And we are further to explain our Intentions in regard to these several Appointments, That such allowances for table Expenses is given in order that the Junior Servants at each Factory should partake thereof, nevertheless if there should be a want of that Harmony we should wish to preserve and maintain between our Senior and Junior servants or that it should for any other reasons be more agreeable to One or both Parties to diet apart, we do direct that in such case the Chief shall allow and pay out of the sum granted to him to each Junior Servant above the Rank of Writer the sum of thirty current rupees per month and to each writer twenty current rupees per month to diet themselves'.—From the Company's General Letter to the President and Council at Fort William, dated 3rd March, 1758, para. 144.

[3] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 110.

Also see pages 233-235 *post*.

the Employs of Resident[1] at the Durbar and Chief of Cossimbazar cannot from the Importance and Extent of the Business of each Department be properly executed by one Person, We therefore direct that they be from this time forward separated, and that some other member of the Council be appointed to the said Chiefship, We do not make this Regulation from any failure of attention on the part of Mr Sykes, with whose conduct we are perfectly satisfied '.[2]

The appointment of Councillors, however, to Chiefships at subordinate factories often led to difficulties so far as the functioning of the Council at Fort William was concerned. This was also noticed by the Court of Directors. 'Considering the many important & interesting Affairs which come before the Council', said the Court in one[3] of its letters to the President and Council at Fort William, 'We cannot but be greatly concerned to observe how few Members have been generally present at the Board, very frequently not more than Three & sometimes but Two; This is partly owing to their being employed as Chiefs at the several subordinate Settlements '.[4] 'In order to remedy this

[1] The Resident at the Durbar was also a member of the Council at Fort William.—See pages 235–43 *post*.

[2] In consequence of this direction, the President and Council at Fort William appointed Mr William Aldersey to be the Chief of Cossimbazar and defined the jurisdiction of the Resident at the Durbar and that of the Chief of Cossimbazar as follows :—

'That all persons employed in the provision of the Investment & the management of that Branch should be under the authority and direction of the Chief of Cossimbazar—

'That all applications to the Nabob should be thro' the channel of the Resident at the Durbar

'That the Chief of Cossimbazar and the Resident at the Durbar should each of them have additional Power to grant Dustucks in their Respective Departments '.—See the General Letter to the Court of Directors, dated at Fort William 13th September, 1768.

[3] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 19.

[4] It may be noted here that the accidental presence of a Councillor at Calcutta who was ordinarily stationed elsewhere would not entitle him to take part in the deliberations of the Council. This will be clear from the following incident. Mr Barwell, 'the Chief of Dacca in the Month of January last (i.e., 1774) having by the permission of the President repaired to Calcutta for the benefit of his health applied on his arrival to take his seat at the Board. This point being Debated (by the Council at Fort William), his application was rejected,

evil therefore in future', the Court continued, 'We direct, that the following Chiefships and no others be filled by Members of Council to wit, Patna, Cossimbazar, Dacca, Burdwan, Chittagong and Midnapore, unless you see necessary to add Luckipore. by (*sic*) this Regulation there will always be seven or Eight at the Board, and the necessity of having at a(ll) times such a number at Calcutta is obvious, and here we must remark that a visit of Mr Hay's to Mr Johnstone's at Burdwan when only two were left at the Board appears so extraordinary a step & so wanton a neglect of Duty as obliges us to declare that if very good reasons are not assigned us when Gentlemen of Council are suffered to remove from or to Calcutta upon private Concerns we shall be highly displeased'.

Later[1] on, having taken into its 'most serious consideration the magnitude and importance of the management' of its civil affairs, and in order that the administration thereof might be conducted to the greatest advantage of the Company and the prosperity of all under its protection, the Court directed[2] :—

'That none of the Council be permitted to act as Chiefs of any of the subordinate Factories, but shall all constantly reside at Calcutta, the Resident at the Durbar, if that office shall be filled by a Counsellor & the Military Commander excepted.—That no Member of the Council shall have any employ annexed to that Station, but that all offices be executed by the Senior Servants not Members of the Board'.[3]

and it was determined that no Member holding a distinct office out of the Presidency and occasionally repairing thither on leave of absence ought to be admitted to a Seat and deliberative voice at the Board (i.e., the Council)' until the Governor and Council were furnished with the Court's commands on this point.—See the General Letter to the Court of Directors, dated at Fort William 15th March, 1774.

[1] See the Company's General Letter to Bengal, dated 23rd March, 1770, para. 179.

Also see the Company's General Letter to Bengal, dated 28th August, 1771, para. 27.

[2] This direction was intended to be executed by the three special Commissioners referred to before (see page 216 *ante*).—See *ibid.*

[3] As will appear from the following extract from a letter which the President and Council at Fort William wrote to 'James Alexander

By its General Letter[1] to Bengal of 24th November, 1772, however, the Court of Directors revoked its order of 23rd March, 1770,[2] confining the residence 'of the members of the Council at the seat of the Presidency, and not suffering any of the Board, the Resident of the Durbar excepted, to act as Chiefs of any of the subordinate Factories'. 'Finding', it stated, 'that notwithstanding our well-intentioned views expressed at the Time of establishing the abovementioned Dispositions that they have not been attended with those salutary Effects we then hoped they would produce, we can no longer desist from revoking, and do hereby revoke the aforesaid orders, confiding that thereby the regularity of the Government in Bengal will be greatly promoted, etc. . . . . '

'The Second[3] in Council' and the office of Resident at the Durbar

Mr Francis Sykes, Resident at the Durbar, had requested, in his letter[4] to the Select Committee at Fort William, dated 14th October, 1768, permission to resign his office for reasons of health. The Select Committee referred[5] his

Esqre Chief and Council of Revenue at Patna', on 14th March, 1771, the Councillors recalled from subordinate factories were not to suffer in respect of their trade as a result of the new regulation :—

'Gentlemen

The Honble the Court of Directors having been pleased to direct that all the Members of our Council (The Chief of the Moorshedabad Council excepted) shall remain at the presidency, They have in order to Compensate for the Loss they might sustain by being deprived of the advantages of Trade which their Stations at the Subordinates would have given them Directed that "The Council tho' resident in Calcutta are to pursue and maintain the Right to Trade in every part of the Country so as not to interfere with the Company's Investment and the Directors empower them to prevent the Out factories from interrupting their Trade in any manner under the severest Penalties" . . . . '—Secret Consultation, Fort William, 14th March, 1771.

[1] By the *Mercury*. It was received at Fort William on 22nd June, 1773.

[2] See page 234 *ante*.

[3] I.e., the Second Member of the Council. He used to succeed to the office of Governor in case of a vacancy therein.

[4] See the Home Department (Fort William) Public Consultation, 18th November, 1768, O. C. (B).

[5] See the letter of the Select Committee to Mr Francis Sykes, Resident at the Durbar, dated at Fort William 17th November, 1768, in the Proceedings of the meeting of the Committee held on the same date.

The Court of Directors by its General Letter to Bengal, dated 24th December, 1765, left 'the nomination of this officer (i.e., the Resident at the Durbar) to' the President and Council at Fort William.

request to the President and Council in order that a successor might be appointed by them in his place. Permission to resign his office was granted[1] to Mr Sykes by the Council, and a successor would have been immediately appointed in his place but for an interesting debate[2] which arose in the Council 'whether the Second (Member thereof) should be fixed to the Presidency or permitted to accept of any vacancy out of it'. The question raised being of some importance, it was referred by the Council for opinion to all its members, including Messrs Cartier, Smith, Russell, and Sykes who were away from Fort William at that time.[3]

'When I consider', said[4] Mr Charles Floyer, 'the vast Importance of the Honble Company's Possessions in these Provinces, since their acquisition of the Dewanee, and the System of Politicks, very different from that of former times, necessary to be pursued, in order to render such Possessions stable and permanent, I cannot think it is the Intention of our Honble Employers, that a Gentleman who by his Station is the immediate Successor to so important a Government, should by absence from the Presidency, exclude himself from a knowledge of what is transacted in our Councils; for altho' I am perfectly sensible that the Collection of the Revenues, is an object of very great Importance; yet I cannot forget that it is one object only, and by no means to be put in Competition with the many other essential ones, which direct this Government'. He, therefore, offered as his opinion 'that a Second of Council should reside at the Presidency; where he will not only become acquainted with every publick Transaction, but will be ready to take charge of the Settlement, in case of the Governor's absence'. More or less similar views were expressed by Messrs Claud

[1] See the General Letter to the Court of Directors, dated at Fort William 2nd February, 1769.

[2] See *ibid.*

[3] See *ibid.*

[4] Home Dept., Fort William, O. C. No. 2, 28th December, 1768; also Home Consultation, Fort William, 28th December, 1768.

Russell,[1] James Alexander,[2] and Colonel Richard Smith.[3] 'The political Interests of the Company', said Mr Russell, 'are become so very extensive, being the more immediate province of the Governor, as well as the Direction of their affairs in general, they ought particularly to be the study of the next in succession to the Government—Nowhere can he acquire so competent Knowledge as at the Presidency, where he can have the opportunity not only of knowing what passes & of informing himself of the Reasons and Motives for every act of Administration, but of drawing Instruction from the Experience & sentiments of the person he is to succeed, & of being acquainted with his views & Plans'. He, therefore, thought that 'the proper station for the second in Council' was at the Presidency that he might not be 'uninformed nor unprepared when he comes to take the important Charge of Government upon himself'. Besides, he pointed out that, when the Governor would go out 'to hold the Poonah[4] at the City, or should affairs call him still farther up the Country', it would appear 'irregular for a junior Member of the Board to preside in his Absence & issue Orders & Directions to those above him'. 'Formerly indeed', he continued, 'the Second had the Chiefship of Cossimbazar, but then the Business of Government being confined to Commercial Affairs neither so extensive Knowledge was requisite nor did the Governor ever quit his Settlement. But now the System has been changed, I do not recollect an Instance of the next in Succession to the Chair being stationed at a Subordinate, on the contrary I believe it will be found that when in the Course of the Service the Rank of Second in Council has fallen to a Chief (of a subordinate), he has been recalled to the Presidency'. Mr Alexander maintained that by remaining at the Presidency the Second in Council could 'ascertain (*sic*) a more competent knowledge of the civil and military Departments in

[1] Home Dept., Fort William, O. C. No. 3, 28th December, 1768.
[2] Home Department, Fort William, O. C. No. 4, 28th December, 1768.
[3] Home Department, Fort William, O. C. No. 7, 28th December, 1768.
[4] See the Glossary.

general, of the conducting of our Investment, the increasing and good management of which must be ever regarded one of our most principal objects, & of the political correspondence carried on with the Country Powers in so extensive a Government, than it is in his powers to acquire in any station that demands his absence'. Moreover, there was, he said, a resolution of the Select Committee, adopted in September, 1765, which declared that the 'residence of the Second in Calcutta was more becoming his station, more agreeable to the Intention of our Honble Employers and more for the benefit of the Service', and this resolution, as far as he knew, had never been disapproved of by the Court.

In his letter, 'dated Emeer Cawn's, the 6th December 1768', Colonel Richard Smith first wrote to the President and Council, among other things:—'The Residency at the Durbar, upon its present system, is most undoubtedly the Post of so much Importance on the Civil Establishment, as to be inferior only to that of the President, and from thence, if we consider only the immediate Consequences it would seem but a Point of Equity that it should be possessed by the Second in Council. This in my opinion is the sole Plea which can be urged in favour of the Second holding that Employ'.

After citing one or two precedents in support of his view, Colonel Smith concluded, however, by saying: 'Upon the whole, if we consider upon a retrospect of the last ten years, how quick a succession of Presidents we have experienced, I apprehend, that the space of Time, which our Seconds have remained in that station, is little enough for acquiring a sufficient Experience in the several offices of Government. And I do therefore give it as my opinion, whenever a Civil Servant rises to the Rank of Second in Council, that it is most becoming that station, most agreeable to the Intentions of the Court of Directors, more conformable to Precedents, and more for the Benefit of the Service that he should be fixed to the Presidency; in order to acquire a general and comprehensive Knowledge of all the Company's Affairs, whether Civil or Military, political or mercantile and to take

charge of the Government whenever the President shall be absent'.

On the other hand, Mr Richard Becher,[1] Mr John Cartier[2] and Mr H. Verelst[3] (President and Governor) were against 'fixing the Second in Calcutta'. Mr Becher said that, since the Court of Directors had not thought it expedient to give any direction on the subject, they had presumably left it to the President and Council 'to judge of Circumstances, and to Act' in the matter as might appear to them most conducive to the interest of their employers. 'No person', he continued, 'can doubt the Authority of the President and Council to Order the Second to reside in Calcutta or to proceed to any station out of the Presidency; where then is the necessity of making a fixed Rule, while the Power remains to be exerted whenever Occasion requires it?' He admitted, however, that there might be occasions when 'it would be most for the interest of the Company that the Second should reside in Calcutta'. When the Governor happened to be 'inexperienced in the affairs of Government and the Second well versed in those matters', his assistance might be 'required for the well conducting the Company's affairs'. Or, if 'the Second' was 'appointed to, and likely soon to Succeed to the Government and is unacquainted with the Duty of that Employ', then he should certainly reside at Calcutta 'to become properly qualified to render the Company those essential Services that will be expected from him in that important Post'. Or, again, if 'the Second' was 'appointed to a station out of the Presidency' and if he had not 'the requisite Abilities to discharge the Duty of that station', he should remain in Calcutta. On the whole, however, he was, he said, 'against fixing the Second, as a measure that may tend greatly to the prejudice of the Company but cannot in any degree to their Advantage'. On

[1] See Home Dept., Fort William, O. C. No. 5, 28th December, 1768.

[2] See Home Dept., Fort William, O. C. No. 8, 28th December, 1768. Home Dept., Fort William, O. C. No. 6, 28th December, 1768 (Mr Sykes' opinion), is missing from the Imperial Record Department, Govt. of India.

[3] See Home Dept., Fort William, O. C. No. 9, 28th December, 1768.

the other hand, ordinarily 'the Second' was 'the proper Person to fill the important Station of Resident at the Durbar'.

Mr Cartier was of opinion that, as the Company was silent on this matter, it intended that 'the Second in Council' should succeed to any vacancy in its service, consistently with his rank therein.

Mr Verelst (President and Governor) stated in the course of a long minute [1] that he saw no necessity of fixing the residence of 'the Second in Council' at Calcutta. He held, however, that sometimes, as Mr Becher had shown, this might be necessary. 'Should anyone be appointed' Governor, who 'through Want of Experience or deficiency of knowledge might be unequal to the duties of his station, it would then be requisite for the second in Council to remain at the Presidency to assist the Governor in the conduct of public affairs'. Or, 'should a Second be nominated as successor to the Chair whose residence at a subordinate or late arrival in India had deprived him of the opportunity of qualifying himself for so important a station it would then be highly proper for him to remain in Calcutta as the place wherein to gain a competent knowledge and Experience of the Company's Commercial and political Concerns'. Or, again, 'should his fluctuating and weak state of Health forbid a Governor's constant and necessary attendance to the public Business, the assistance of a Second in such an Instance would be absolutely necessary for the proper regulation and Guidance of the affairs of this presidency'. 'This last consideration and this only', said Mr Verelst, 'urged me to request Mr Cartier in my private Letters to Him to relinquish the Chiefship of Dacca that he might share the burden of Government with me'.

He was opposed, however, to any general restrictions being imposed on 'the Second in Council' as proposed by Mr Floyer and some others, as the Council had 'always ample powers to make particular ones according to the urgency of affairs'. 'In support of this assertion', he said, 'let us suppose a Governor fully capable of performing his Duty,

[1] Dated at Fort William 27th December, 1768. See the Home Department, Fort William, O. C. No. 9, dated 28th December, 1768.

unimpaired in his Constitution and unwearied in his application. The Second likewise one whose abilities & Experience render him the fittest person to fill the post of Resident at the Durbar. Would not this general Restriction be of general Prejudice to the Company's Concerns? On the Contrary, Should the Governor's week (weak?) constitution, or Inexperience, or should any other cause call for the presence of the Second; is it not in the immediate and instant Power of the Board to fix him at the presidency?' 'Moreover', continued Mr Verelst, 'when neither of the cases which I have already instanced occur to demand the stay of the Second in Calcutta I know of no appointment so proper, nay so necessary for him as the post of Resident at the Durbar. He has there an opportunity of discovering the Tempers, the Dispositions, and the particular characters not only of the Nabob and of his Ministry, but even of every person of any note or consideration in this kingdom. The whole amount of the Dewanny revenues is under his immediate Inspection, the thorough knowledge of which must be of the most essential service to him when he succeeds to the Government. He is either engaged in, or is privy to all political Transactions and he has an ample field to display and to improve those abilities which may render him worthy of the Chair and procure him the affections of those whose property and future safety may be left to his protection'. Referring in this connexion to para. 64 of the Company's General Letter[1] to Bengal per *Cruttenden*, he observed :—

'They (i.e., the Company) point out his Qualifications as a man, not his station as a member. Had they deemed it proper to fix the Second at the presidency they would then I doubt not have particularly excluded him from this Choice.

'The paragraph I mention is worded thus—"Whenever you think it really necessary to have a Resident at the Durbar, we direct you to choose him not by seniority in the service, but by an established character of Integrity, Abilities, & a Knowledge of the Country Language. We understand

[1] Dated 24th December, 1765, and addressed to the President and Council at Fort William. See page 54 n *ante* in this connexion.

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he is to be the sole agent for transacting all Business at the Durbar and direct the Copy of his Correspondence with the Nabob or his officers, with the Presidency and Chiefs of the Subordinates, Officers of the Army or Civil Servants on public Affairs be transmitted to us annually in duplicate."

'Such is their recommendation of a resident at the Durbar;' Mr Verelst concluded, 'and as I deem it incumbent upon us to follow their Directions, not only as a point of Duty, but as I really think they are founded upon good sense and solid reasoning, I therefore request of this Board before the Question is finally Closed that they will proceed with Deliberation to the Choice of a resident at the Durbar from amongst their members without consideration of his station or Rank in the service'.[1]

As the majority of its members, however, was 'against the Seconds (*sic*) accepting any vacancy out of the Presidency & for his constantly residing in it', the Council appointed Mr Richard Becher to the office of Resident at the Durbar.[2] The Council also referred its Proceedings of 28th December (1768) to the Court of Directors for its views thereon, for future guidance.[3]

It appears from a Bengal Revenue Department Letter[4] to the Court of Directors, dated at Fort William 30th August, 1771, that the Court had meanwhile directed in its orders to the three Special Commissioners appointed by it, that 'the Second in Council' was to be, in case it was judged expedient to appoint a member of the Council at Fort William to that post, the Chief of the Controlling Council of Revenue at

[1] He also added :—

'As any general Restriction upon the Second of this Government may at some period be the cause of depriving the public of the valuable services of one of its principal members ; I would recommend that the opinions of the several members be fully and particularly given and recorded for the Information of our Honble Masters, who alone I consider as (are?) the proper Power to determine upon and to settle so interesting and important a subject'. See the Home Department, Fort William, O. C. No. 9, 28th December, 1768.

[2] See the General Letter to the Court of Directors, dated at Fort William, 2nd February, 1769, para. 96.

[3] *Ibid.*

[4] Sent by the *Stag Frigate*.

Moorshedabad, which it had previously [1] ordered to be set up there, replacing the Resident at the Durbar. The Controlling Council was actually constituted by the President and Council at Fort William on 6th July, 1770, and it began to function with effect from the month of September next following.[2] Thus the question whether 'the Second in Council' should reside at Calcutta or be permitted to accept an appointment at a Subordinate, was settled. The discussion of the question also indicates the importance of the constitutional position of the Second Member of Council in those days.

Procedure in the Council.

As we have stated before and as will be evident from the following extract from the Company's Commission appointing a President and Governor and a Council for Fort William, dated 31st May, 1764, every question brought before a meeting of the Council would be decided by a majority of the Council:—

'And we do hereby give and grant unto our said president and governor Robert Lord Clive and to our Council aforenamed, or the major part of them[3] (the Council

[1] See the Company's General Letter to Bengal, dated 30th June, 1769, by the *Lapwing*; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Ch. IV.

[2] The Cont. Council held its first meeting on 27th September, 1770. See Secret Consultation, Fort William, 6th and 13th July, 1770; also the author's *Early Land Revenue System*, etc., Vol. I, Ch. IV.

[3] And *apparently*, therefore, not to the majority of those present at any meeting of the Council. (Also see page 246 *post* on which an extract is quoted from a General Letter to the Court of Directors, dated at Fort William 11th September, 1770.)

But the following extract from a letter of the President and Council at Fort William to 'The Honble John Baptiste Chevalier Esqr Director & Council of Chandernagore', does not support the above view:—

'Honble Sir and Sirs,

That you may no longer be surprized Gentlemen at Mr Verelst's not signing to our letters it is occasioned by his absence But we beg leaf (*sic*) to inform you that from the nature of our Constitution, the President & Council of Calcutta, should the Board consist of Three members only are fully authorized to adopt and propose such measures as they may deem necessary for the support of Government or for the interest of their employers'.—*Vide* Secret Consultation, Fort William, 6th June, 1769.

Mr Verelst was the Governor of Fort William at this time.

It appears from the above extract that the quorum for the Council was only three at this time.

being duly summoned) full power and authority from time to time to rule and govern all and every our Factors and servants under the said presidency, etc.'

Mutatis mutandis, these words had also occurred in the Company's Commission of Appointment of a President and Governor and a Council for Fort William, dated 11th February, 1756.[1]

Procedure in case of dissent.

If any member of the Council thought it proper to dissent from any of its resolutions, then it would be sufficient, the Court directed,[2] that 'his Reasons are entered after that day's Consultation but he must nevertheless sign the Letters and orders consequent upon that consultation, without marking a dissent against his name'. Circumstances might arise, the Court continued, in which orders of the Council might be disputed 'upon pretence of the want of the Majority of Council signing the said Letters or Orders, which may be attended with bad consequences with respect to our service'. It, therefore, further directed: 'The orders of the Board be made effectual by the dissenting Members signing, it being sufficient that their dissents be entered as abovementioned for our notice, and let this be a Standing Order in future.'[3]

[1] It may be interesting to note here that at a Secret Consultation held at Fort William on 27th June, 1770, Mr Richard Barwell asked 'whether the sentiments of the Majority of the Board' were 'of any weight in the Affairs of the Government', and 'whether the minority after the Sentiments of the Members' had been given were bound to act 'agreeably to the sense of the majority'.

'The voices being collected', it was found that the majority of the eight Councillors present at the Consultation were of opinion that all matters submitted to the judgment of the Council should be 'determined by the Majority of Voices'. The President (Mr Cartier) and Messrs Floyer and Russell accepted this principle, subject to the condition that the Council acted within its jurisdiction.—*Vide* Secret Consultation, Fort William, 27th June, 1770.

[2] See the Company's General Letter to Bengal, dated 17th December, 1762.

[3] *Ibid.* We, therefore, find :—'Mr Russell differing in opinion from the other Members, entered a Minute which being recorded in the Consultations, we beg leave to refer you to them for the Perusal of it'.—*Vide* the General Letter to Court, dated at Fort William, 25th August, 1770.

As will be evident from the following extract from the Court's

Further, we find in the evidence of Mr William Brightwell Sumner before a Parliamentary Committee :—'It was the express order of the Court of Directors, that every Man should sign all public Letters[1], entering his Dissent, if they thought proper, to any Part they disapproved (*sic*)'. And when he was asked by the Committee 'if he had ever ventured to enter a Dissent upon the public Proceedings', he replied that he had on two or three occasions.[2]

So far as the question of the President's own signature was concerned, there was a discussion on it at a Secret Consultation held at Fort William on 8th September, 1770. Mr Cartier (President and Governor) begged leave to observe that it had been the invariable custom of the Council and the practice of every public Department that when 'a difference of sentiments among the members' thereof prevailed on particular questions, the Court of Directors had been simply referred 'to their public Proceedings for such sentiments'. This mode was to his mind certainly 'candid fair and delicate'. But, he held, 'when a partial representation of a measure is brought into a general Letter no Man who has disapproved of that Measure can in his opinion with a Consistent propriety ever

Letter to Bengal, dated 23rd March, 1770, it would sometimes welcome a note of dissent on the part of a Councillor :—

'Para. 133.—We have the satisfaction however to find that one Member of the Council (Mr Rumbold) has better understood his Duty, than to concur in your. . . . Proceedings. His Dissent as recorded on your Consultations (16th March, 1769), is conceived in terms, & contain (*sic*) such reasons for dissenting from your. . . . Resolution, which do him honour, are satisfactory to us, and which ought to have had much more weight with you, than they seem to have had. We greatly approve his conduct in this respect, & do declare, that whenever we find any of our servants act in the manner you have done, we shall distinguish by proper marks of our favour those, who may have the prudence to conduct themselves as Mr Rumbold on this occasion has done.'

[1] Presumably to the Court itself.

[2] The Commons' Report (3rd) 8th April, 1773.

We also find in a minute by General Sir Robert Barker : 'As the General's signature appears in the general Letter to the Honble Court of Directors Per Greenwich He thinks it incumbent upon him having differed in opinion with the rest of the Board to declare his dissent to the Paragraphs relative to the stopping of the King's Tribute ; since the reasons therein given does not appear to him sufficient for withholding the Stipend.'—Proceedings, Secret Department, Fort William, 11th December, 1772.

give it the Sanction of his name'. A question was then raised on that day whether the minority of the Council was not under an obligation to sign a letter to the Company (i.e., to the Court of Directors) which had been approved by the majority. Mr Barwell was of opinion 'that the Letters should be signed by every Member present at the Board', and that those who disapproved of them were 'at liberty to enter their dissents'. Mr Cartier was of opinion that the majority had no right to impose such an obligation on the minority. After a further exchange of opinions the Council decided by a majority of votes that a letter to the Court of Directors which was approved by a majority thereof 'should be signed by all the Members at the Board'. As the following extract from a General Letter[1] to the Court, dated at Fort William 11th September, 1770, will indicate, the President (Mr Cartier) and such other members of the Council as had agreed with him, were not, however, satisfied with this decision of the majority :—

'The President is sensible of the strict propriety of signing his name to all Public Proceedings which may be directed by the Voice of the majority of the Council as well as to every order which may by that majority be sent to our Inferiors however repugnant it may be to his own sentiments but he considers a Letter to his Honble Masters[2] in a different Point of view & can never think it his Duty because it nowhere appears to be their commands To put his name to an address which implies a Censure of his conduct which he always has wished might appear to your judgment consistent and uniform'.

Violence at a meeting: Hastings v. Batson.

In spite of occasional differences of opinion among its members, the Proceedings of the Council would on the whole be peaceful. On one occasion, however, the difference of opinion between two of its members ended in an exchange

[1] Obviously from the Select Committee at Fort William. The letter was signed only by Messrs John Cartier, Claud Russell and Charles Floyer.

[2] I.e., to the Court of Directors.

of blows. This incident occurred at a Public Consultation[1] (Home Department) held at Fort William on Friday, 10th June, 1763. Mr Stanlake Batson[2] presided over it in the absence of Mr Henry Vansittart, President and Governor, who had been indisposed. The Secretary[3] to the Council reported to it that Mr Vansittart had desired the reconsideration of the letter which the Council had ordered on the previous day to be dispatched to Messrs Amyatt and Hay at Monghyr, as it, according to Mr Vansittart, had 'amounted almost to a plain Declaration of War against the Nabob (Meer Cossim), And left nothing in the Power of Messrs Amyatt & Hay to Treat or Promise further even if they should find him in a Disposition to conciliate, etc. . . .'; that he (the Governor) had, therefore, directed him (the Secretary) 'to wait on Mr Batson at his Return to Town & desire him to summon another Council' on 10th June, 1763, when he (i.e., the Governor) would transmit to the Council his full opinion on the subject and then leave it to it to send such orders to Monghyr as it might think proper; that on this account he (i.e., the Governor) had desired that the dispatch of the letter might be delayed till that day (i.e., 10th June); and that he (i.e., the Secretary) had accordingly intimated this to Mr Batson who in consequence had ordered him to summon a Council and delay the dispatch of the letter.

The Council having heard this report of the Secretary, Mr Batson delivered the following minute :—

'The extraordinary manner in which the Governor & Mr Hastings have espoused the Nabob's Cause and defended all his Actions however dishonorable or Detrimental to the

[1] See the relevant Proceedings; also the General Letter to the Court, dated at Fort William 29th September, 1763.

[2] The other members present were.—
William Billers, Esqr.
John Cartier, Esqr.
Warren Hastings, Esqr.
Randolp Marriott, Esqr.
Mr Watts was absent.

[3] The Secretary had waited on the Governor after the Consultation of 9th June, 1763, 'to get the Letter for Messrs Amyatt and Hay transcribed in Cypher'.
—Home Dept., Public Proceedings, Fort William, 10th June, 1763.

Company or the Nation make it manifest to me that they act the Part rather of his retained Sollicitors than of Servants of the Company or British subjects. It is plain to me that the Governor in preventing the Resolutions of yesterday's Council from being carried into execution is acting in concert with the Nabob in order to protract Time, I therefore give it as my opinion that his stopping the Letters writ by the Board yesterday to Messrs Amyatt & Hay, to Patna & Mr Verelst is unjustifiable & that no alterations should be made in the Resolutions of yesterday'.

Thereupon 'a Dispute & Quarrel', to quote the relevant Proceedings, 'ensued between Messrs Batson & Hastings, after which Mr Hastings entered the following Minute—

"Mr Batson making some unbecoming Reflections on the Governor, I replied thereto & I appeal to the Board whether in any indecent or provoking Terms upon which Mr Batson gave me the Lye & struck me in the presence of the Board; I leave them to take such Notice as they may think proper of the Indignity offer'd to themselves by this step of Mr Batson's, For my own Part I cannot think of sitting any longer at a Board where I am subjected to such Insults".'

The Council held that there was nothing in what Mr Hastings had said to Mr Batson which was either indecent or provoking. Mr Hastings then withdrew from the Council. Thereupon Mr Batson desired the Council 'to take Notice that Mr Hastings gave him the Lye before any Blows happened and then whatever his (i.e., Mr Hastings's) Words were, the Expressions of his Countenance and Actions were provoking'. The Council observed that Mr Hastings had only 'retorted the Lye whereupon blows (had) ensued in which Mr Batson (had) struck first'. Mr Batson withdrew from the meeting at this stage, and Mr Billers took the Chair as President.

Having taken 'into Consideration the Circumstances of the unlucky Dispute between Messrs Batson & Hastings', the Council unanimously held that Mr Batson's behaviour 'was very injurious to Mr Hastings as well as highly affrontive and unbecoming to them (i.e., the Council)'; that Mr Batson

should be 'required to make such satisfaction' as its members should judge proper and as the Company's orders directed in such a case; and that, in the meantime, the Secretary should immediately transmit to Messrs Batson and Hastings the following order :—

'Sir

As the Members of the Board are unanimously of opinion You should keep Your House till such Time as the unhappy Dispute between You & Mr Hastings (You & Mr Batson) shall be adjudged by them, they hereby direct that You do give strict obedience thereto'. **An order to Messrs Batson and Hastings.**

The Council further agreed that the Secretary should wait that evening (10th June, 1763) on the Governor and acquaint him with what had happened, and request his presence, if his health permitted, at the meeting of the Council which it ordered to be summoned on the following Monday, the 13th of June, 1763. The Secretary then laid before the Council the letter (regarding Meer Cossim) which he had received that morning from the Governor.

The Council 'resuming the Consideration of the unlucky Dispute . . . . . . between Mr Batson & Mr Hastings', at its Consultation held at Fort William on 13th June, 1763, Mr Henry Vansittart (President and Governor) remarked, among other things, in reference to the incident as follows :—

'I am inexpressibly concerned at what I read upon the Minutes of the 10th Inst. of the Indignity done to the Board by the Violence Committed by Mr Batson against Mr Hastings at the Council Table. It is an Indignity which will be spoken of to our Dishonour at all Times & in all places by all sorts of people. . . . . . It is I believe an unprecedented Case as I never heard of such a Violence committed in any of the Company's Governments since their first Establishment, for my own part as I have seen many Instances of Mr Batsons ungovernable Passion, I think every Assembly at which he is present is in continual Danger of being thus disturbed, & therefore to prevent Misfortunes of the like Nature in future, as well as to vindicate the Honor of the Board, in the case now before us, it is my opinion he should

be suspended from the Honble Company's service, untill the Pleasure of the Court of Directors is known'.

Both Messrs Watts and Marriott (Members of the Council) agreed with the President that the conduct of Mr Batson in the dispute had been such 'as to deserve suspension from the Company's service'. Mr Cartier and Mr Billers held, however, that the suspension of Mr Batson should take place in case he refused 'to make a satisfactory Apology to the Members of the Board for so violent & Blameable Behaviour'.

The Council by a majority held that Mr Batson merited suspension from the Company's service for his behaviour, and, therefore, resolved that he should be suspended accordingly from all offices in its service till the pleasure of the Court was known. Further, it directed the Secretary to communicate this decision to Mr Batson, and to summon Mr Hastings 'to his seat at the Board'.

At the next Consultation held at Fort William on Friday, the 17th of June, 1763, however, Mr. Batson having sent in a letter 'apologizing for his Behaviour at the Consultation' of 10th June, 1763, and praying that his case might be reconsidered, the majority of the Council [1] held that the suspension should be taken off and that Mr Batson should be restored to his former rank and office in the Company's service. At the same time the Council resolved that Mr Batson 'should not sit again at the Board but give his opinion in writing', and directed the Secretary regularly to 'transmit to Mr Batson the Minutes of each Council after the Board break up in Case he should choose to send in his opinion on any Matters under Debates'. It did this as the President had declared that 'he would not sit in Council with one who had been guilty of such an offence'.[2]

[1] Seven members attended this meeting, including Mr Vansittart (President) and Mr Warren Hastings. Mr Hastings left the meeting at the time of the consideration of Mr Batson's letter.

[2] The President had said: 'If the Affront the Board received from Mr Batson was of a less Publick Nature, I should vote for a less severe Censure, but as the Affront was of the most notorious kind, & will appear to the world in that light, I think the most publick Mark of our

The Select Committee: Its Constitution.

Under the orders of the Court of Directors which were issued from time to time between, say, 11th February, 1756, and 23rd March, 1770, and which provided for the constitution of a Select Committee at Fort William, the Select Committee generally consisted of five[1] persons including the President and Governor[2] of Fort William. Sometimes, however, it consisted of six persons and sometimes only of four (and even *three*) persons in certain circumstances. For example, under an order of the Court of Directors, of 11th

Disapprobation should appear at the same Time. A violence of a far inferior Nature is given by the Court of Directors as the first Reason for dismissing one of the principal Council of this Presidency in the year 1748 which shews that it is not their Design the Members of the Council assembled for the Management of their Business should be exposed to any Violence or Insult upon a different Opinion arising. For my own part, I have too much respect for myself & for those We represent to sit at the same Board with a Person who has been guilty of such a Violence & having the same regard for all the Rest of my fellow Servants I cannot vote that any of them should be exposed to unprovoked Insult in the Discharge of their Duty to the Company, I must therefore give it as my opinion that the Resolution of the 13th Inst. for suspending Mr Batson untill the Pleasure of the Court of Directors is known, should stand confirmed, but if the Majority of the Board should be of a contrary opinion & admit him again to the Council, I request that during his stay in Calcutta either his opinion or mine may be delivered in writing upon all Points that require it. I am positively determined not to sit at the Board with him'.—See Public Proceedings, Home Dept., Fort William, 17th June, 1763; also O.C. (Public), 17th June, 1763, No. 1; also the General Letter to Court, dated at Fort William 29th September, 1763.

[1] See orders, dated 11th February, 1756; 11th November, 1757; 11th April, 1758; 16th January, 1760; 19th February, 1762; 1st June, 1764; 12th January, 1768; 17th March, 1769; 23rd March, 1770, etc.

We may also note here that the Select Committee constituted by Clive on 16th January, 1767, in the exercise of the power vested in him in this respect by the Court of Directors, consisted of five persons (namely, Mr Harry Verelst, President, Mr John Cartier, Colonel Richard Smith, Mr Francis Sykes, and Mr Richard Becher).—*Vide* Proceedings, Select Committee, Fort William, 16th January, 1767.

[2] The President and Governor of Fort William would ordinarily be appointed President of the Select Committee. In its General Letter to the President and Council of Fort William in Bengal, dated 3rd March, 1758, the Court ordered, however, as will appear from the following extract therefrom, a departure from the ordinary practice:—

'Para. 68:—If the situation of the Company's Affairs should be such as to have detained Colonel Clive in Bengal until the Receipt of this Letter it is our pleasure and Orders notwithstanding any former Directions that he continue to be the Commander-in-Chief of all our Forces, that he be always of Council in which his Rank is to be next to the presiding President for the time being and that *he do Preside at*,

February,[1] 1756, the Select Committee was to consist of Mr Roger Drake or the President of Fort William for the time being, Lieutenant Colonel Stringer Lawrence *when in Bengal*[2], Mr William Watts 'or the Second in Council for the time being', Mr Charles Manningham and Mr Richard Becher; under an order of 11th November, 1757[3], of Messrs William Watts, Charles Manningham, Richard Becher, John Zephaniah Holwell, and Major James Kilpatrick (*when military affairs would be under consideration and then only*); under orders of 8th and 23rd March[4], 1758, taken along with the order of 11th November, 1757, referred to above, of Colonel Clive, Messrs Watts, Manningham, Becher, and Holwell, and Major James Kilpatrick (under the same condition as mentioned above); under an order of 23rd November, 1759[5], 'of Colonel Clive if on the spot or the President for the time being Colonel Eyre Coote Messrs Charles Manningham & Wm. Frankland if they are on the spot Captain I. Barton & Mr P. Amyatt'; under an order of 16th January, 1760[6], of

and be the Chief Member of the Select Committee, These Directions are to be in force so long as Colonel Clive's stay in Bengal shall be found necessary for the good of the Company'. (The italics are ours.)

By its General Letter to Bengal, dated 8th March, 1758, however, the Court appointed Colonel Robert Clive to be the 'sole President and Governor of Fort William' in case it suited his health and convenience to continue in India, and also 'the Chief and constantly presiding Member' of the Select Committee at Fort William. As the President and Governor of Fort William he was also to be the President of the Council at Fort William.—Also see the Company's further Additional Letter to Bengal, dated 23rd March, 1758.

[1] See the Company's General Letter to Bengal, dated 11th February, 1756; also see the letter from the Secret Committee, London, dated at East India House, London, 13th February, 1756, appointing a Select Committee for Bengal.

[2] In case of his absence from Bengal, the Select Committee constituted by the order of 11th February, 1756, was to consist of four persons only.

[3] And the Court ordered on this occasion:—

'The Committee is to consist of *Four Persons only*, except when Military affairs are under consideration, then it will be five by the addition of the Major as mentioned above'.—*Vide* the Company's General Letter to Bengal, dated 11th November, 1757. (The italics are ours.)

[4] See the Court's General Letter to Bengal, dated 8th March, 1758, and its further additional Letter to Bengal, dated 23rd March, 1758.

[5] See the Court's General Letter to Bengal, dated 23rd November, 1759.

[6] See the Court's Letter to Bengal, dated 16th January, 1760.

President Clive, Lieut. Col. Eyre Coote[1], Mr Henry Vansittart, Major John Carnac (on military affairs only), Mr Peter Amyatt, and Mr James Barton, in case[2] Colonel Clive remained 'in the Government on the receipt' of the order; under an order of 30th December, 1763[3], of Mr Henry Vansittart or the President for the time being, Brigadier General John Caillaud, and Messrs Peter Amyatt, John Spencer, William Macgwire and Warren Hastings; under an order of 8th February, 1764[4], of Mr Henry Vansittart or the President for the time being, Mr John Spencer (or 'the Second in Council for the time being'), and four others; and under an order of 17th May, 1766[5], of Lord Clive and five others.

Although the Court directed in its General Letters to Bengal, dated 30th December, 1763, and 8th February, 1764, that, 'whenever by Death or otherwise the .... Committee' was 'reduced under the number of six', the vacancies were to be filled by the remaining members of the Select Committee with such person or persons as they should think fit, yet we find that the Select Committee generally consisted, as we have stated before, of five[6] persons only. In its General Letter to Bengal, dated 17th May, 1766, the Court stated that, although it had appointed thereby six persons to constitute a Select Committee, yet that number was 'to be only for the present being intended to introduce Mr Becher who stood high in our Service and was formerly a Member of the Select Committee'. It, therefore, directed that in case of 'vacancies happening by the decease or coming away of any of the beforementioned Gentlemen' (i.e., the six persons appointed to the Committee), the said Committee was to consist of five

[1] During the deliberations by the Select Committee 'on military affairs or on any matters relative thereto'.—See the letter referred to in the last foot-note.

[2] Otherwise the Select Committee was to consist of Mr Henry Vansittart (on the departure of Colonel Clive), Lieut. Col. Eyre Coote (subject to the condition stated in the preceding foot-note), Mr Peter Amyatt, Major John Carnac (on *military* affairs only) and Mr James Barton.—See *ibid.*

[3] See the Company's (i. e., Court's) General Letter to Bengal, dated 30th December, 1763.

[4] See the Court's General Letter to Bengal, of 8th February, 1764.

[5] See the Court's General Letter to Bengal, dated 17th May, 1766.

[6] Also see page 251 *ante*.

members only. Previously to this, it had directed[1] that the Select Committee should, so long as it would be necessary to continue it as constituted under its order of 1st June, 1764, consist of five members only. Again, in its General Letter to Bengal, of 17th March, 1769, the Court enjoined that the Select Committee 'shall never consist of more than five Members'. Lastly, in its General Letter to Bengal, dated 23rd March, 1770, the Court laid down that the Governor of Bengal, the Commander-in-Chief for the time being and three senior members of the Council at Fort William should constitute the Select Committee thereof.

The Commanding Officer of the army and the Select Committee.

Although it was an almost invariable practice on the part of the Court of Directors to include a military officer—generally the Commanding Officer, for the time being, of the army in Bengal—in the Select Committee, yet it would often lay it down as a general principle that the Commanding Officer should not be allowed to have a constant[2] seat on the

[1] See the Court's General Letter to Bengal, dated 1st June, 1764, para. 68.

We also find in the Court's Letter to Bengal, dated 19th February, 1762:—

'As Messrs Sumner and Mcgwire had been sworn in and acted for some time as Members of the Select Committee before our orders on this head arrived, we do agree to their being continued therein. —We observe it is resolved that if vacancies happen in the said Committee no New Members are to be taken in until the number is reduced under Five which we approve of as being agreeable to our last orders'.

[2] The following extracts from the minute of General Smith delivered before the Select Committee on 9th November, 1769, are relevant:—

'I am conscious that the orders of the Court of Directors are very positive against the admission of any future Commander in Chief to a constant seat at the Committee. . . . .'

Again:—The Court of Directors 'resolved that no military officer should ever be allowed a constant seat in their Councils or Committees. . . . . '

We may also note here the following remarks of Governor Verelst:—

'When I consider the positive, and repeated orders against this Admission of the Commander in Chief to a constant Seat at the Board (here the Select Committee), I do not conceive that any arguments whatever can justify our Breach of Orders for the sake of any Individuals; orders which are peremptory, and leave us no latitude, or Choice'.—From the Governor's (Mr Verelst) Minute in reply to General Smith's.

See the Proceedings of the Select Committee, Fort William, of 9th November, 1769—Bengal Select Committee Proceedings in Bengal Secret Consultations, Range A, Vol. 9, Imperial Record Department.

Committee. It would even sometimes direct as it did in its General Letters to Bengal, of 11th November, 1757[1], and 16th January, 1760[2], that the military officer on the Committee should take part in its deliberations only when military affairs (or any matters relating thereto) would be under consideration. And when the Court reconstituted the Select Committee at Fort William by its order of 17th May, 1766[3], so as to consist of Lord Clive (President), Mr William Brightwell Sumner (Second and to succeed Lord Clive), Brigadier-General Carnac (Third but not to rise higher), and Messrs Harry Verelst, Francis Sykes and Richard Becher, it stated :—

'Upon the coming away or decease of General Carnac, Colonel Richard Smith is to succeed him as Third in the said Committee, but not to rise to a higher Rank therein, but we further direct as we did with respect to his seat in Council upon Colonel Smith's coming away or Decease no other Military Officer is to succeed him in the Committee; but the Commanding Officer for the time being is to be consulted upon Military affairs . . . at which time he is to have a seat and voice at the Board as Third'.

[1] Under an order conveyed by the Court's General Letter of 11th November, 1757, Major-General Kilpatrick was to be a member of the Select Committee at Fort William, when military affairs would be under consideration '*and then only*'. The italics are ours.

[2] Under an order conveyed by the Court's General Letter of 16th January, 1760, Lieutenant-Colonel Eyre Coote was to have a seat and voice on the Select Committee at Fort William whenever the Committee would 'deliberate on military affairs or any matters relative thereto'.

[3] See the Company's General Letter to Bengal, dated 17th May, 1766.

We may also note here that when Colonel Richard Smith was given by the Court of Directors a 'constant' seat on the Select Committee as originally constituted by Clive in 1767 and then 'confirmed' by it in 1768, the Court directed :—

'Upon the Decease or coming away of Colonel Smith no other Military officer is to succeed him in the Select Committee, but the Commanding Officer for the time being is to be consulted upon Military affairs only, at which time he is to have a Seat and Voice at the Board (here the Select Committee) as Third in the Committee'.—*Vide* the Company's General Letter to Bengal, dated at London 12th January, 1768; also see Proceedings, Select Committee, Fort William, 16th January, 1767.

At a meeting of the Select Committee held at Fort William on November 9th, 1769[1], Brigadier-General Richard Smith[2], who had himself been given a 'constant' seat on the Committee by the Court of Directors, very strongly recommended[3] to it, on the eve of his resignation, that his successor, Colonel Sir Robert Barker, should be appointed by the Committee to be a 'constant' member thereof in his place. In making this recommendation he said that, although he was conscious that the orders of the Court of Directors were very positive against the admission of any future Commander-in-Chief to a constant seat on the Committee, yet he thought it to be his indispensable duty to lay before the Committee his sentiments concerning this restriction and the consequences which might be 'apprehended from an exact obedience to this order'. It had been urged, he admitted, that most of the unhappy differences 'which formerly subsisted betwixt the Members of this Administration had their rise from the Conduct of the officers, who commanded the Forces, and at the same time were honored with a Seat in Council'. He considered that it was rather 'a severe Reflection, to condemn a whole Body for the mistaken Opinion or Conduct of Individuals'; but he confessed that it appeared to him that there had been occasions when perhaps the remark might have been made with some propriety. The Court of Directors, too, had been of this opinion, and, with a view to preventing such dissensions in future, it had resolved that 'no military officer should ever be allowed a constant seat' in its Councils or Committees. 'However', said General Smith, 'they thought proper to deviate from this Resolution, by the favor with which they were pleased to distinguish me, a distinction which although was no more than my Right, because I embarked in their Service with such Assurances, Yet it was a Distinction that I

[1] See the Bengal Select Committee Proceedings, Fort William, of 9th November, 1769, in the Bengal Select Committee Proceedings, Vol. 20 B (India Office Copies), Imperial Record Department, 25th September, 1769, to 29th December, 1770; also Bengal Secret Consultations, Range A, vol. 9, pp. 610–21.

[2] See Brigadier-General Richard Smith's Minute of November 9th, 1769, in the Bengal Select Committee Proceedings, Fort William, of 9th November, 1769.—*Ibid*.

[3] See *Ibid*.

received with much pleasure; and from a full conviction that much would depend on my Conduct during the Course of my Command, whether the Directors would adhere to their former orders or admit their future Commander in Chief to a constant Seat in their Council, I have ever made it my peculiar Study, vigorously to support the Civil Power; carefully to avoid whatever might create Dissention (*sic*); and whenever my Sentiments have differed from my Brethren, I have always endeavoured to express those sentiments not only with that Moderation, Respect, and decency which was consistant (*sic*) with my own Character, but also with what was due to the opinions of the other Members of the administration'. Further, General Smith said that he had never heard that the Court of Directors had any other objection to the Commander-in-Chief's having a constant seat on the Committee than the apprehensions referred to above. 'In my Letter to the Council of the (22nd) May 1765', continued the General, 'which was referred to the Court of Directors: I pleaded my own cause, but I am now pleading for the public Good: I wrote the Company that if I did not obtain that appointment, I should be under the Necessity of resigning my Commission; for altho' I was then almost a stranger in Bengall, yet I could plainly perceive, that without being invested with a Share in the Administration, it would be utterly impossible for me to carry such a Command over the numerous Forces under this Presidency, as was necessary for the Preservation of order, Discipline, and Subordination. I can now add that the experience of almost five years may be brought in Support of my former opinion; and I am convinced, that it will be impossible for any Officer, let his abilities be what they may, to carry a proper Command unless he is firmly supported by the administration; and that support can never be so effectual, as when he himself is a Member of that administration'.

Moreover, if 'an administration' performed its duty to its employers, he could not conceive how it was possible 'for a military man to pursue measures repugnant to the Interest of the Company, or to the Dignity of the civil power'. 'He

is but one voice at your board; He has no influence beyond his own personal character, he has nothing in his power that can biass (*sic*) the Minds of Men to support measures contrary to the constitution of the Company ; and if at any time your Commander in Chief should be weak or wicked enough to adopt Systems derogatory to your Dignity, or to the Interest of the Company, the Remedy is in your own Hands ; in short I consider it to be true policy to place a confidence in Your Commander in Chief, and to invest him with such Marks of Dignity, and such a Degree of authority as will make him respectable to all those whom He commands '. At the same time, he would advise the Committee to be ever vigilant that its future Generals did not pass beyond the limits prescribed by law or established by custom. It might be urged that, as the Court of Directors had 'ordered their Commanders in Chief to be called into Council or Committee on military Affairs, wherefore should we give them a constant Seat in Committee ?' 'To this I reply', observed the General, 'that to me it appears a very strange system to have the fate of all our Colonies, Settlements, and Territorial Revenues, depending on the actions of a man, at the same time that this man is not worthy of a constant seat in Council or Committee: a Constant Seat at the Board adds to the Importance of his Character, but an occasional Seat, which depends upon the will of others to me would be rather mortifying than pleasing ; besides, military, and political Affairs are, in this country, so intimately connected with each other, that it is necessary to be master of the one in order to form a competent Judgement of the other; to be occasionally called to the Committee; to hear papers read and then to give an opinion, is not consistent with my Ideas of the Duty of a Counsellor: to be enabled to form a proper opinion, your Commander in Chief should be acquainted with every the most minute Circumstance ; he should not only have your Records for his Guide, but be present at all Debates, from whence he may not only improve his own Judgement, but he may possibly add new Light to yours; and in political Affairs it will sometimes happen that the Commander in Chief may be able

from his own Knowledge to give such advice as he only could obtain from his own Experience and observation and I must observe without intending the least Reflection on any Gentleman lately appointed or nominated to succeed to Council, that at a time when so many new Members will compose a part of our Council, it appears to me more peculiarly necessary to avail ourselves of the Experience of Colonel Sir Robert Barker'.

'Altho'', the General concluded, 'the Court of Directors have been pleased to adopt a certain system for a fixed Rule, yet by the constant Deviations from that Rule it is to me apparent, that they only mean to prevent the claim to a Succession to Council in Such Officers who by chance should happen to command their armies abroad : the Dispensation in favour of General Caillaud and myself, and now lately in favour of Brigadier General Joseph Smith, the only three officers who have commanded their Forces in Bengal, or on the Coast of Coromandel, since this Rule was established, is a great Support to my opinion, and herein I think the Court of Directors act wisely : a Seat in Council ought, in my opinion, to be the Result of Choice, and not of Chance ; where so much depends on the General of their Forces, I am of opinion, that the Court of Directors should provide as effectually for the Succession to the Chief Command, as it is customary to provide for the Succession to the Government'.

The Select Committee 'being desirous of knowing the Governor's Sentiments on the Subject contained in General Smith's Minute,' it was agreed that the minute should be transmitted to the Governor immediately, and that he should be requested to favour the Committee with his opinion thereon. Meanwhile, in answer to the General's minute Mr John Cartier, who presided over the meeting,[1] observed that 'the absolute Necessity or propriety of such a Step' as had been

[1] At the meeting of the Select Committee held on 9th November, 1769, were present :—

Mr John Cartier, Brigadier-General Smith, Mr James Alexander, and Mr Charles Floyer.

Mr Harry Verelst was the Governor at that time ; but he was absent from the meeting.—See the Proceedings referred to in foot-note 1 on page 256.

recommended by the General, did not appear to him 'in those striking Colours' as the General had represented it. A seat on the Committee for the Commander-in-Chief would be found whenever a real necessity would arise. Till then the Company's orders should be strictly obeyed.

Messrs Alexander and Floyer concurred in opinion with Mr Cartier. The Governor[1] transmitted his opinion on the question in the following minute[2] :—

'My opinion on the subject of the General's Minute is in a few words this. So far from having any objections to Sir Robert Barker's abilities, or conduct, I consider him very deserving of every mark of distinction and confidence which is (in ?) our power to confer. The proper Support of a Commander in Chief is undoubtedly necessary, and I am persuaded he will always be supported by the Administration, so far as to render him respected and obeyed in his Department. But when I consider the positive, and repeated orders against this Admission of the Commander in Chief to a constant Seat at the Board, I do not conceive that any arguments whatever can justify our Breach of Orders for the sake of any Individuals ; Orders which are peremptory, and leave us no latitude, or Choice '.

The Select Committee finally resolved[3] as follows :—'Sir Robert Barker cannot consisting (*sic*) with the orders of the Honble the Court of Directors be admitted to a Constant Seat at this Committee '.

As we have shown before[4] in connexion with the question of the constitution of the Council, the Court of Directors changed its mind in 1771, and directed in its General Letter to the President and Council at Fort William, dated 10th April, 1771, that the then 'Commander in Chief & his successors to that post' should have a constant seat and voice on the Select Committee at Fort William[5].

[1] Mr Harry Verelst.

[2] See the Proceedings referred to in foot-note 1 on page 256.

[3] See *Ibid*.

[4] See page 196 *ante*.

[5] The actual words of the Court were :—

'Para. 159 :—Notwithstanding any of our former orders for restraining the Commander in Chief at your Presidency from a constant

Select Committees were, as we have seen before, ordinarily[1] constituted from time to time by the Court of Directors, but casual vacancies therein were filled however, by their members themselves under the authority vested in them in this regard by the Court. We may give here one or two instances. When the Court constituted a Select Committee on 11th April, 1758,[2] it directed that, 'in case of a Vacancy or Vacancies therein by Death or absence of any member or members thereof', they were 'to be filled by such person or persons' as the President for the time being and the rest of the Select Committee might think fit. Again, when the Court constituted a Select Committee on 13th March, 1761,[3] it laid down that, whenever by death or otherwise the said Committee was 'reduced under the number of five', the vacancy or vacancies therein were to be filled up by the remaining members of the Committee with such person or persons as they should think fit. Further, when the Court constituted a Select Committee on 30th December, 1763,[4] it also directed: 'Whenever by Death or otherwise the said Committee is reduced under the Number of Six, the Vacancies are to be filled up by the remaining Members of the said Committee with such Person or Persons as they shall think fit'.[5] **Casual Vacancies.**

seat and voice at your Councils and Select Committee—It is our pleasure that your present Commander in Chief & his successors to that post have a constant seat and voice at your General & Secret Council Boards and at your Select Committee'.—General Letter from Europe dated 10th April, 1771, to the President and Council at Fort William.

[1] On one occasion, namely, January 16th, 1767, a Select Committee was constituted by Lord Clive, President and Governor of Fort William, in the exercise of a special power vested in him in this respect by the Court of Directors. It was composed of Mr Harry Verelst, Mr John Cartier, Colonel Richard Smith, Francis Sykes, and Richard Becher.—See the Proceedings of the Select Committee, Fort William, of 16th January, 1767.

[2] See the Company's General Letter to Bengal, dated 11th April, 1758.

[3] See the Company's General Letter to Bengal, dated 13th March, 1761.

[4] See the Company's General Letter to Bengal, of 30th December, 1763.

[5] We may also note here the following in reference to the Select Committee constituted by the Court under its order of 1st June, 1764:—

'Para. 68:—As we would have the said Committee so long as it is necessary to exist as beforementioned to consist of Five Members, in

Further, as we have seen before[1] in connexion with the question of the powers of the Governor, the President (at Fort William) would sometimes himself appoint senior servants of the Company available at Fort William, to be temporary members of the Select Committee.

Quorum. It appears from the evidence of Mr Harry Verelst given before a Parliamentary Committee[2] that the usual quorum for the Select Committee was three, but 'that the Select Committee did not lay down any Rules for themselves'. We thus find that at a meeting of the Select Committee held at Fort William on 10th August, 1765[3], only two members were present, namely, Mr William Brightwell Sumner and Mr Harry Verelst; and that also at a meeting of the Committee held at Barasult (Barasat ?) on 21st December, 1766,[4] only two members were present, namely, Lord Clive and Mr Verelst. And on each of these occasions very important decisions were taken by the Select Committee. Referring to both these occasions the Parliamentary

case therefore of a vacancy or vacancies by death or absence from Fort William, They are to be filled up by the said Committee out of such of the Civil Members of the Council as they shall think proper from time to time'.—See the Company's General Letter to Bengal, dated 1st June, 1764.

We also find in para. 39 of the Company's General Letter to Bengal, dated 17th May, 1766 :—

'Altho' We have appointed six Persons yet . . . . . . We . . . . . . direct that upon vacancies happening by the decease or coming away of any of the before-mentioned Gentlemen, the said Committee do consist of Five Members only, and in case of any of their vacancy or vacancies in the said Establishment of Five, they are to be filled up by the remaining Members of the Committee out of such of the Civil Members of the Council only, as they shall think proper from time to time'.

Or, again :—'It is our Intention that the (Select) Committee shall never consist of more than five Members, and if it should at any time be reduced under that number, and there shall not be any Persons of our Nomination to succeed, it is then to be left to the Committee to fix upon such of the Council as they think proper to fill up the vacancies agreeably to our orders of the 17th May 1766'.

—See the Company's General Letter to Bengal, dated 17th March, 1769.

[1] See pages 181–83 *ante*.

[2] See the Commons' Report (3rd), 8th April, 1773.

[3] See the Proceedings of the Select Committee, Fort William, of 10th August, 1765.

[4] See the Proceedings of the Select Committee, held at 'Barasult' on 21st December, 1766.

Committee mentioned above, inquired of Mr Verelst whether it had been usual for the Committee to transact any business 'without more than Two Members being present'. Mr Verelst replied that it was not, and that it had been customary for every member of the Committee who would not be away from Fort William, to attend its meetings. And in its letter to the Select Committee at Fort William, dated at London 21st November, 1766, the Court stated that if the presence of any of the members of the Select Committee could at any time be dispensed with, it had no 'objection to their being employed in the Chiefships of such subordinate factories as their Rank' might entitle them to, provided that it should appear to the Select Committee compatible with the interests of the Company, and that there should '*at all times be Three members on the spot*'.[1]

The Select Committee constituted by the Court's order of 1st June, 1764, resolved at its first meeting held at Fort William on 7th May, 1765,[2] that the following oath should be taken by its members:— **Oath.**

'I, A. B. do swear that I will not reveal to any Person whatever, any of the Proceedings of this Committee, untill (*sic*) the same be laid before the Council or untill (*sic*) this Committee be dissolved'.

And we find from subsequent records of the Proceedings of the Select Committee that every person who became a member of the Committee later on, had to take this[3] oath of secrecy before entering upon the duties of his office.

[1] And we find the following in the General Letter from the Select Committee to the Court of Directors, dated at Fort William 24th December, 1770:—

'It was one of the first Rules of our Institution that no Meeting *should ever consist of less than three Members*'. (The italics are ours).

[2] See the relevant Proceedings.

[3] Mr Verelst is reported to have said to the Parliamentary Committee referred to before (see page 262) that to the best of his recollection an alteration had been effected in the form of the oath as originally agreed upon, and that the words 'Or with the Approbation of the Committee' had been added to it 'at the beginning of his Government in 1767'.—See the Commons' Report (3rd), 1773.

We do not find, however, any corroboration of this statement in the Proceedings of the Select Committee.

The Select Committee also agreed at its meeting held on 7th May, 1765, that Mr Alexander Campbell should be appointed its Secretary, Mr Edward Baber its Sub-Secretary, and Mr William Rooke its Assistant, and that the following oath of secrecy should be administered to them :—

'I, A. B. do swear to be true and faithful to the trust reposed in me by the Select Committee and to reveal to no Person whatever the Proceedings of this Department'.[1]

Procedure. The first item of business at a meeting of the Select Committee would be the confirmation of the proceedings of its previous meeting.[2] The proceedings of the Select Committee were treated as confidential, and it was agreed at a meeting of the Committee held at Barasult (Barasat ?) on 27th December, 1766, that, 'it being of great importance that the proceedings and business of the Select Committee should be kept private', no paper should, 'to prevent accidents', be sent in future from the Secretary's office or taken from there 'under any pretence except by the President and the Secretary himself', and that all the other members of the Committee should peruse in the office such papers as they might want to consult.[3]

No letter would be sent to the Court of Directors in the name of the Select Committee unless its draft had been previously laid before it and read and approved by it.[4] The draft would be placed before the Committee generally by its Secretary, but sometimes the President[5] himself would place before the Committee, for being 'read, approved and signed' by it, the fair copy of a letter to be sent to the Court.

The procedure in regard to the signatures to be appended

[1] See the Proceedings of the Select Committee, Fort William, of 7th May, 1765.

[2] See, for instance, the Proceedings of the Select Committee, Fort William, of 11th February, 1767.

This was also the case with the Council.

[3] See the Proceedings of the meeting of the Select Committee held at 'Barasult' (Barasat ?) on 27th December, 1766.

[4] See, for instance, the Proceedings of the meetings of the Select Committee, Fort William, of 17th February and 10th April, 1767.

[5] See the Proceedings of the Select Committee, Fort William, of 30th September, 1765.

to letters to be sent to Europe, was the same in the case of the Select Committee as in that of the Council.[1]

The Committee of Inspection.

It appears from the Proceedings of the meeting of the Select Committee held at Fort William on 28th February, 1766, that the Committee appointed on that day a Committee of Inspection 'to Examine into the state of the several different departments—Civil and military and to Establish such regulations as they shall judge necessary to the due execution of those offices'. The Select Committee was induced to take this step by the consideration that the public business would 'be greatly forwarded and the Company's interest promoted by a close inspection into the management of the several public affairs and departments'. The Committee of Inspection as originally constituted, was composed of the President (Lord Clive), Mr W. B. Sumner, Brigadier-General Carnac, and Messrs Harry Verelst, Claud Russell and William Aldersey.[2] The Proceedings of this Committee were to be duly communicated to the Court of Directors.[3] And we find in a letter[4] of Lord Clive addressed to the Court of Directors on 12th

[1] See pages 245–46 *ante*.

We may note in this connexion a minute by Colonel Richard Smith delivered at a meeting of the Select Committee:—

'*As it is the usual Practice of the Board for all the Members to sign*, I have therefore subscribed to this Letter & to a Duplicate of the preceding Letter of the 24th Janry, but with this Reservation. As I joined the camp immediately after my Arrival in India and continued with the Army from that Period untill I lately came down to take my seat in the Committee, and as the oath of secrecy taken by every Member of the Board of course prevented me from being made acquainted with any transactions of the Committee, therefore I deem it highly improper for me in my public character, either to approve or condemn whatever Proceedings were antecedent to my being a Member of this Committee'. (The italics are ours).—See the Proceedings of the Select Committee, Fort William, of 19th February, 1767.

[2] See the Proceedings of the Select Committee, Fort William, of 28th February, 1766. Later on, the President (Mr Harry Verelst) reporting at a meeting of the Select Committee held on 5th February, 1767, that three vacancies had occurred in the Committee of Inspection, the (Select) Committee resolved that Mr Cartier, Colonel Smith, and Mr Kelsall should 'be appointed in the room of Lord Clive, Mr Sumner and General Carnac'.—Proceedings, Select Committee, Fort William, 5th February, 1767.

[3] See the letter from the Council at Fort William to the Court of Directors, dated 6th September, 1766.

[4] *Vide* Lord Clive's letter to the Court of Directors, dated at Calcutta 12th December, 1766.

December, 1766:—' Agreeably to my advices of the 1st February and 20th of March a Committee of Inspection has been appointed for examining into the state of every Department, and for the establishing the necessary rules and orders for a general reformation—This Committee hath fully answered my Intention. Your servants Civil and Military are no longer at a loss for an exact definition of their respective duties—The new Regulations are now in force, and in a few weeks will be firmly established '.

CHAPTER IV

THE COUNCIL AND THE SELECT COMMITTEE—THEIR POWERS AND INTERRELATION [1]

We shall now deal with the powers of the Council and of the Select Committee [2] at Fort William and the relations between them.

Except during the short period in which the Select Committee was, as we shall shortly see,[3] endowed by the Court of Directors with extraordinary powers and was, therefore, to quote the words of Malcolm,[4] 'the real engine of government', and except during such an emergency as has been referred to hereinafter,[5] the powers of the Council, so far as the affairs of the Company were concerned, were, as would be evident from what follows, really immense. In a letter, dated 23rd March, 1758,[6] the Court of Directors laid down that the Council should have the power of 'ordering, Governing and Managing all the Company's Affairs at Fort William in Bengal, and all its dependent places and settlements with as full power and authority as the Presidents and Councils in Bengal have been usually invested with'. In a previous letter, dated 11th February, 1756,[7] the Court had directed

[1] See in this connexion foot-note 1 on page 192 *ante*.

[2] By the expression 'powers of the Council and of the Select Committee' we mean 'the powers of the Governor and his Council and of the Governor and his Select Committee' respectively. The Governor was the President of both the bodies.

[3] See pages 282–91 *post*.

[4] Sir John Malcolm, *The Life of Robert, Lord Clive*, Vol. III, p. 152.

[5] See pages 269–70 *post*.

[6] See the Company's further Additional Letter to Bengal, dated 23rd March, 1758, para. 2.

[7] See the Company's General Letter to Bengal, dated 11th February, 1756, para. 86.

Also in its General Letter to Bengal, dated 11th November, 1757, the Court stated:—We 'do hereby ordain, constitute and appoint the following named Persons to be the President and Council for ordering, governing and managing all the Company's affairs at Fort William in Bengal, and all its dependant Places & Settlements with as full Power and authority as the Presidents & Councils of Bengal have been usually invested with, etc.'

that the Council constituted thereby would have the power of presiding over and managing 'all the Company's affairs at Fort William in Bengal, and all the several Dependancies thereunto belonging'. In another letter, dated 8th February[1], 1764, the Court stated: 'We have appointed the following Gentlemen to be the Council for *managing and conducting the Company's Affairs at our Presidency of Fort William Bengal to whom all due obedience is to be paid*, etc'.[2] Again, shortly afterwards, in reconstituting the Council at Fort William by its letter of 1st June, 1764,[3] the Court described its power as 'managing and conducting *all our affairs*[4] at the Presidency of Fort William in Bengal to whom all due obedience is to be paid'. Lastly, we may mention that in the Court's Commissions appointing a President and a Council at Fort William, dated, for instance, 11th February, 1756,[5] and 31st May, 1764,[6] we find that the Council was vested with the power of 'governing and managing all the . . . . . Company's Affairs in Bengal, and the Places and Provinces thereunto belonging'. Further, the Commissions said 'And we do hereby give and grant unto our said president and governor[7]........and to our Council aforenamed, or the major part of them (the Council being duly summoned) full power and authority from time to time to rule and govern all and every our Factors and Servants under the said[8] presidency, and all the soldiers and inhabitants of our said Fort William and all the Towns and Territories thereunto belonging, and of all and singular the ports-factories and settlements, lands, territories, Countries & jurisdictions belonging to us within the Subaship of Bengal,[9]

[1] See the Company's General Letter to Bengal, dated 8th February, 1764.
[2] The italics are ours.
[3] See the Company's General Letter to Bengal, dated 1st June, 1764.
[4] The italics are ours.
[5] See the Commons' Report, First, 26th May, 1772.
[6] (India Office) Public General Letters from Court, Serial No. 7 (1764-67), pp. 33-40, Imperial Record Department, New Delhi.
[7] The name of the Governor has been omitted by us.
[8] I.e., the Presidency of Bengal.
[9] The words 'and of all and singular, etc.........(to) Subaship of Bengal', do not occur in the Commission of 11th February, 1756.

to administer lawful oaths as occasion shall require, and to perform all such other acts and things and to use and Exercise all such other powers and authorities as the said president and governor and his Council in their several and respective places where the said United Company have or shall have factors or any places of Trade are authorized to do, according to such instructions and directions as the said[1] ....our President and Governor and Council aforesaid shall from time to time receive under the hands of thirteen or more of the Court of Directors of the said United Company for the time being. And we the said United Company hereby order and require all our factors, servants, officers and soldiers, within the limits of the said presidency,[2] and all the people and inhabitants of the said Fort William and all the towns and territories thereunto belonging, to conform, submit and yield due obedience unto him the said [3]........... our...........president and governor and his Council accordingly '.[4]

Military Government of Fort William.

Although the Court of Directors vested such extensive powers in the Council as we have described above, yet it directed[5] that, if ever Fort William were attacked by an enemy, the powers of its Governor and Council were, so far as its defence was concerned, to be suspended, and that the sole authority therefor was to be exercised by a Military Government consisting of the ' President, The Major, The Engineer, the Master Attendant for the time being & the next most capable military officer to be appointed by the said Persons '. In case of an equality of votes in the choice of such an officer by them, the Governor and Council were to appoint him. If anybody failed to discharge his duties properly in this exigency, he was ordered to be tried by a General Court Martial. This Military Government was to last only so

[1] The name of the Governor has been omitted by us.
[2] I.e., Bengal.
[3] The name of the Governor has been omitted by us.
[4] One or two words in this extract do not occur in the Commission of 11th February, 1756. In essence, however, the two Commissions are, *mutatis mutandis*, identical.
[5] See the Company's General Letter to the President and Council of Fort William in Bengal, dated 12th May, 1758, para. 20.

long as the Company's Settlement would be in danger. And as soon as it was 'restored to a state of safety', the Military Government was to be immediately dissolved and the President and Council were to resume their full authority for the administration of the Company's affairs in Bengal. The instruction of the Court regarding the setting up of a Military Government at Fort William in the event of its being attacked by an enemy, was in essence repeated by it in its General Letters to Bengal, dated 13th March, 1761, 1st June, 1764, and 23rd March, 1770, although the Military Government itself was ordered to be constituted differently[1] on different occasions.

Apart from its extensive powers of a general nature, the Council had certain specific powers conferred on it by the

[1] Thus according to the Court's General Letter to Bengal, dated 13th March, 1761, the Military Government was to be composed of Mr Henry Vansittart or the Governor for the time being, Colonel Eyre Coote (if on the spot or the Commander-in-Chief for the time being), Mr Peter Amyatt, Major John Carnac (or the Company's Major for the time being if on the spot) and the principal Engineer for the time being, if on the spot. The letter also provided :—'Whenever such government shall exist and the number of its members be any ways reduced below the said establishment of *five* the Vacancies are to be filled up by the remaining members with such person or persons as they shall think fit'.

According to the Company's General Letter to Bengal, dated 1st June, 1764, the Military Government was to consist of the members of the Select Committee constituted thereunder, namely, Lord Clive, Mr W. B. Sumner, Brigadier-General Carnac and Messrs Harry Verelst and Francis Sykes, and Sir 'Robert Barker the Colonel and Commandant of the Corps of Artillery'. The relevant paragraph in the letter runs as follows :—

'69. We are also to inform you, and direct, that the said Committee is to be the Committee for defending the Settlement in case of being attacked by an enemy agreeable to the Directions and Rules laid down in our Letter of the 12th of May 1758, to which is to be added Robert Barker the Colonel and Commandant of the Corps of Artillery'.

(This is the copy of the paragraph as available in the Imperial Record office, Government of India. As one or two words in the copy appeared to be illegible, we made a reference to the Record Department, India Office, London, for an exact copy of the paragraph. The copy of the paragraph which the Record Department, India Office, has kindly supplied to us (in its letter No. R. 1175/1937, dated 28th June, 1937) tallies with the copy of the paragraph available in the Imperial Record Office, except that the word 'Sir' occurs before the words 'Robert Barker' in the former, and that there is a slight difference in the spelling of one or two words in the two copies.)

Court of Directors. For instance, in regard to its junior servants in Bengal, the Court wrote to the President and Council on 17th December, 1762[1] :—

'It is You our Governour and Council we must and shall . . . . depend upon to see that all our servants discharge the Duty of their several Stations with Diligence & Care, and You are to take such measures for this purpose as You shall think will be most effectual. If any of the Writers in particular do not behave to your satisfaction they must be called before you in Council and reprimanded once, twice or oftener, if you shall think fit, and if that will not reclaim them you are to dismiss them from our service and send them forthwith to England, for we are determined the Company shall not any longer be burthened with useless hands'.

In regard to the fixing of the salaries of the Company's covenanted and military servants, or the granting of allowances to them, the powers of the President and Council were, however, definitely limited by the Court of Directors. In its General Letter to Bengal, dated 25th March, 1757, the latter wrote to them :—

'We must here acquaint You that for the future You are not to create any new Salaries or allowances or make any additions to old Customary ones without previously stating to us the reasons for and necessity of such salaries or allowances and having Our consent for the same, We mean this principally with respect to Our Covenant and military

And in its General Letter to Bengal, dated 23rd March, 1770, the Court wrote to the President and Council at Fort William :—

'Para. 18] :—And You are also to observe that we do not mean by the foregoing Arrangement (regarding the constitution and functions of the Select Committee) to disannul the direction we have already given in case of an attack of any of our Settlements in Bengal contained in the 20th Para of the General Letter of the Court of Directors of 12th May 1758 (see the text on pages 269–70) and the Committee for defence in case of attacks is to be composed of the

Governor

Commander in Chief and

Chief Engineer for the time being'.

[1] See the Company's General Letter to Bengal, dated 17th December, 1762, para. 36.

Servants, being sensible that in other Employments and in extraordinary cases You must have some Latitude which we hope you make use of with Frugality and Discretion '.

Power of making bye-laws.

The President and Council were empowered by a Royal Charter,[1] dated 8th January, 1753, 'to make . . . . By-Laws, Rules and Ordinances' for the good government and regulation of the Mayor's Court and other Courts erected under the same Charter 'for the town of Calcutta at Fort William' and places subordinate thereto, and of the inhabitants thereof, and 'to impose reasonable pains and penalties upon such' as would offend against the same. These bye-laws etc., would acquire legal validity as soon as they would be approved of and confirmed by the Court of Directors.[2] And 'all By-laws and the Penalties contained in them' must be 'agreeable to Reason, and not contrary to the Laws and Statutes of this Realm'.[3]

Judicial Powers of the President and Council.

The President and Council were also vested[4] by the Royal Charter[5] referred to above, with certain powers relating to the administration of justice at Fort William and at places and factories subordinate to it. For instance, they had a share in the choice of the Mayor for the Mayor's Court at Calcutta.[6] Besides, they were directed by the Royal Charter to fill vacancies in the offices of aldermen therein. They could

[1] See 'The Second Charter for erecting, a Corporation and a Mayor's Court, and other Courts of judicature, at Madras-patnam, Bombay, and Calcutta; and for granting further powers to the United Company; dated 8th January, 1753'; also the Company's General Letter to Bengal, dated 9th March, 1763, para. 121. Also see Chap. VIII.

[2] See 'The Second Charter, etc. . . . . ', dated 8th January, 1753, referred to above; also the Company's General Letter to Bengal, dated 9th March, 1763, para. 121. Also see Chap. VIII.

[3] I.e., Great Britain. *Ibid.*

[4] Also see Chap. VIII in this connexion.

[5] Dated 8th January, 1753. Apart from the judicial powers vested in them by the Royal Charter, the President and Council had certain other judicial powers. See Chapters VII and VIII in this connexion.

[6] The Royal Charter (8th January, 1753) practically appointed 'the first Mayor and aldermen (under it) by name'. It also provided that two of the aldermen were to be 'returned, on the first Tuesday in December annually, to the president and council' who were 'to choose one of the two to be mayor for the year ensuing'. Further it prescribed 'the like mode . . . for supplying any vacancy of (in?) the office of mayor, by his death or removal during his mayoralty, for the remaining part of the year '.

'upon a reasonable cause, on a complaint in writing, remove any alderman'. The latter was, however, to be summoned first to make his defence and a reasonable time was to be allowed to him for that purpose. The party aggrieved might appeal to the King in Council, 'on giving security for the costs, in the event of the sentence being affirmed'. The appeal, however, was not to suspend the execution of the sentence awarded by the President and Council. They were also required by the Royal Charter to appoint annually a Sheriff for Calcutta.[1]

An appeal from the Mayor's Court would lie to the President and Council who were constituted by the Royal Charter a Court of Appeals. At least, three members of the Council including the Governor, or, in his absence, the senior member of the Council, were to be present when an appeal would be heard. In case of an equality of voices, the Governor, or the senior member of the Council in his absence, was to have a casting vote. 'Their judgments in appeal' were 'to be final unless the debts or damages and costs' exceeded 1000 pagodas.[2] If they did, or if 'no judgment in appeal' could be

Thus we find in the Proceedings of the Consultation (Public) held at Fort William on 6th December, 1753:

'The Corporation (i.e., the members of the Mayor's Court at Calcutta, namely, the Mayor and aldermen) now waited on the Board (i.e., the Council at Calcutta) and acquainted them, They had as his Majesties late Charter directed elected two of their members (Messrs William Nixon and Bartholomew Plaisted) to be return'd to them for their choice of one to be sworn into the office of Mayor.

'Agreed (i.e. by the Council) Mr William Nixon be sworn into the office of Mayor on the 20th instant . . . . . .

'There being some Vacancies in the Mayors Court by the absence of their members.

'Agreed we (i.e., the Council) appoint Messrs . . . . . . Aldermen of that Court in the room of Messrs . . . . . '

—See Firminger's article '*Some Records relative to the Mayor's Court*,' in BENGAL: PAST AND PRESENT, January– March, 1914, p. 32. Also see Chapter VIII in this connexion for further details.

[1] A table of fees to be paid by suitors was to be settled by the Mayor's Court, and, when approved by the President, it was to be kept fixed up at all times in a conspicuous part of the Court building. It was subject, however, to variation by the said Court, with the approbation of the *President and Council*, or by the Court of Directors.

[2] Pagoda—A gold coin in South India, weighing about 52 grains. It was the standard coin in Southern India and was called pagoda by Europeans. Its value was about seven shillings.

given 'for want of a sufficient number of disinterested judges of appeal to act'—although the value of the suit was under 1000 pagodas—an appeal would lie to the King in Council.[1]

Court of Requests.

The Royal Charter also instituted a Court of Requests at Calcutta for providing a speedy remedy for the recovery of small debts in 'the town and factories thereof'; and for that purpose the President and Council were 'to appoint not less than eight, nor more than twenty-four, of the principal inhabitants' of Calcutta 'to be the first Commissioners[2] to hear and determine suits in a summary way, not exceeding the value of five pagodas each'. They (i.e., the Commissioners) were to be subject to such rules and regulations as would from time to time be issued to them by the Court of Directors.

Justices of the Peace.

Further, the President and Council were empowered by the Royal Charter to act as Justices of the Peace for Fort William and the factories subordinate to it. They were to have in that capacity the same power as the Justices of the Peace in England, appointed by Commission under the 'Great Seal of Great Britain.'

Moreover, the President and Council or any three or more of them, of whom the President, or, in his absence, the senior member of the Council, was to be one, were '*to hold quarter sessions four times a year, and be a court of record, in the nature of a court of oyer and terminer and gaol delivery*,[3] and to be commissioners of oyer and terminer and gaol delivery for the trial of all offences, except high treason, committed within Fort William or any of its subordinate factories'. Their proceedings were to be by indictment, as in England, and they were to issue instructions to the Sheriff of Calcutta who was annually elected by them,[4] for summoning jurors. They might administer the same oaths to the jurors as were taken by jurors in England, 'and swear or affirm all witnesses, being Christians, upon the Holy Evangelists, and natives according to their casts (*sic*)'. They were 'to proceed to

[1] For further details see Chapter VIII.
[2] Three or more of them were to sit in rotation. Also see Chap. VIII.
[3] The italics are ours. [4] I.e., the President and Council.

arraignment, trial, judgement, conviction, and punishment, and award execution' as such courts might do in England; and they might assemble and adjourn as they might think convenient. They were required to take an oath faithfully to execute their duties as Justices of the Peace and as Commissioners of Oyer and Terminer, and also an oath of allegiance.[1]

The President and Council had also the power of trying pirates.[2] Moreover, the Governor and Council could grant[3] warrants for the appointment of courts—martial to such officers as would be 'sent upon distant commands'. The proceedings of the courts—martial had, however, to be transmitted to the Governor and Council for approbation.

Combination of Executive, Legislative and Judicial functions.

It will be clear from what we have stated above that the President and Council at Fort William were vested at the same time with executive, legislative and judicial powers. The principle of the separation of powers was thus set at naught, and the governmental system of the Company at Fort William was, therefore, despotism[4] pure and simple. This was also the case in Madras and Bombay.

[1] Presumably to the Crown.

[2] For instance :—

'The power you had by the former commission to try pirates having ceased upon the demise of his late Majesty made it necessary for us to obtain a renewed commission for that purpose from the present king which we send you by the ship Warren.'—From the Company's General Letter to the President and Council at Fort William, dated 13th March, 1761, para. 129.

[3] See the Company's General Letter to Bengal, dated 30th June, 1769, para. 43.

[4] As Mr William Bolts has rightly observed (*Considerations on India Affairs*, 1772, p. 75), 'Wherever the legislative and executive powers are lodged in the same hands, whether of one or more persons, they, together, may be considered to constitute complete despotism; because there will exist the overbearing power of making, altering, abrogating, interpreting, and executing laws at will.

'In a great degree, the English East India Company has been invested with such powers, by the authority given them as a body-corporate, to make bye-laws for the regulation and management of their own concerns, although with the precautionary proviso, that such bye-laws shall be agreeable to reason, and not contrary or repugnant to the laws of the realm'.

The influence of Montesquieu and Blackstone on Mr Bolts is obvious.

The Council and the Resident at the Durbar.

We have elsewhere[1] dealt with the position and functions of the Resident at the Durbar. As will be evident from the following extract[2] from the General Letter from the Court of Directors, dated 24th December, 1765, to Bengal, the President and Council were empowered by the Court to appoint the Resident:—

'Whenever you think it really necessary to have a Resident at the Durbar, we direct you to choose him, not by seniority in the service, but by an established character for Integrity, Abilities and a knowledge of the Country Language . . . . . . as we leave the nomination of this officer to you, it behoves you to have a constant Eye to his Behaviour, as we shall deem you in a particular manner responsible to us for his conduct'.[3]

Council and the Court of Directors.

Although the President and Council had so much power, yet they were required to render implicit, unquestioning and respectful obedience to the commands of the Court of Directors. Any disrespect shown either to those commands or to the Court itself would be visited with a severe punishment. As an example, we may cite the following incident. In a General Letter (para. 147) to the Court of Directors, dated at Fort William 29th[4] December, 1759, the President and Council took a strong exception to 'the unprovoked and

[1] See pages 54-66.
[2] Paragraph 64.
[3] Also the following reply by the Select Committee at Fort William to Mr Francis Sykes, Resident at the Durbar, may be noted :—

'Sir,

'The request you have made to the Select Committee for permission to resign your post at the Durbar, will be laid before the President and Council in order that a successor may be nominated by *their Board*. . . . . . .

Fort William
the 17th Nov. 1768'.

The italics are ours.

—*Vide* the Select Committee Proceedings, Fort William, of 17th November, 1768.

Also see the Select Committee Proceedings (Fort William) of 5th October, 1765.

[4] And not 28th December, as stated by Sir George Forrest (*The Life of Lord Clive*, Vol. II, p. 165).

This will be evident from the Court's reply to the President and Council referred to hereinafter.

general Asperity' of a letter which they had received from the Court *per Prince Henry Packet*.[1] 'Permit us to say', they wrote, 'That the Diction of your Letter is most unworthy yourselves and us (*sic*), in whatever Relation considered, either as Masters to Servants, or Gentlemen to Gentlemen.—Mere Inadvertencies and Casual Neglects, arising from an unavoidable and most complicated Confusion in the State of your Affairs, have been treated in such Language and Sentiments, as nothing but the most glaring and premeditated Frauds could warrant.—Groundless Informations have, without further Scrutiny, bore with you the Stamp of Truth, though proceeding from those who had therein obviously their own Purpose to serve, no Matter at what Expence'. 'These have', they continued, 'received from you such Countenance and Encouragement, as must most assuredly tend to cool the warmest Zeal of your Servants here and every where else, as they will appear to have been only the Source of general Reflections, thrown out at random against your faithful Servants of this Presidency, in various Parts of your Letter now before us—Faithful to little Purpose, if the Breath of Scandal, joined to private Pique, or private and personal Attachments, have Power to blow away in one Hour the Merits of many Years Services, and deprive them of that Rank, and those rising Benefits, which are justly a Spur to their Integrity and Application'.

The President and Council also objected in their letter to the manner in which the Court had been, according to them, 'heaping' 'indiscriminate' and 'undeserved Favours' on some people, as it would, they apprehended, 'lessen that Spirit of Zeal so very essential to the Well-being of your Affairs, and consequently in the End, if continued, prove the Destruction of them'. 'Private views', they concluded, 'may, it is much to be feared, take the Lead here from Examples at Home; and no Gentlemen hold Your Service longer, nor exert themselves further in it, than their own

[1] Also see the Commons' Report, First, 26th May, 1772, App. 11; also Mill, *History of British India*, Vol. III (Wilson's edition), 1848, pp. 319–21; also, Forrest, *The Life of Lord Clive*, Vol. II, pp. 165–66.

Exigencies require. This being the real present State of Your Service, it becomes strictly our Duty to represent it in the strongest Light. . . . . . .'

The letter was signed[1] by Robert Clive, Charles Manningham, Richard Becher, William Frankland, John Zephaniah[2] Holwell, William Mackell, Thomas Boddam, Charles Stafford Playdell, William Brightwell Sumner, William McGuire, and John Cooke.[3] We are not concerned here with the question whether the charges made against the Court of Directors were justifiable or not. The Court, however, was highly displeased with the letter, and wrote in reply in its General Letter to Bengal, dated 21st January, 1761:—

'We have taken under our most serious consideration the general letter from our late President & Council at Fort William dated the 29th of Dec: 1759, & many paragraphs therein containing gross insults upon and indignities offered to the Court of Directors tending to the subversion of our authority over our servants & a dissolution of all order & good government in the Company's affairs, to (*sic*) put our (an ?)[4] immediate stop therefore to this Evil we do positively order and direct that immediately upon the receipt of this letter all those persons still[5] remain-

[1] See foot-note 3 below.

[2] Also spelt as 'Zappania'.—See the Company's General Letter to Bengal, dated 21st January, 1761.

[3] In the Commons' Report, First, dated 26th May, 1772, Appendix 11, the names of only four persons occur as signatories to the General Letter to the Court of Directors, dated at Fort William, 29th December, 1759, namely, Robert Clive, F. Z. Holwell, Wm. B. Sumner and W. McGuire. As this appeared to us to be an error, we made a reference to the Under-Secretary of State for India, Record Department, India Office, London, for the actual names of the signatories to the letter. In his letter No. R. 1175/1937, dated at India Office, Whitehall, London, 28th June, 1937, the Superintendent of Records, India Office, has very kindly sent to us the names of eleven persons as *the signatories* to the said letter. The names have been given above in the text. This information as given by the Superintendent of Records is certainly correct.

[4] The word is 'our' in the relevant manuscript letter. It is 'an' in the Commons' Report, First, 1772, App. 11. 'an' is appropriate here.

[5] Clive had left for, and reached, England long before the dispatch of the Court's letter. According to Forrest (*The Life of Lord Clive*, Vol. II, pp. 170–72), Clive had sailed for England on 21st February, 1760, and reached there on 9th July, 1760.

ing in the Company's service who signed the said Letter of the 29th of December: 1759, viz.—

Messrs John Zappania (*sic*) Holwell Charles Stafford Playdell William Brightwell Sumner & William Mcguire—

be dismissed from the Company's service, & you are to take care that they be not permitted on any consideration to continue in India but that they are to be sent to England by the first ships which return hom' 'he same season you receive this letter.'

Thus the Court of Directors dealt with the signatories to the General Letter of 29th December, 1759, addressed to itself.

It may also be noted here that the President and Council at Fort William were required by the Court of Directors to transmit to it copies of all papers, books and accounts relating both to the Presidency and to the factories subordinate to it.[1] Moreover, in its General Letter to Bengal, dated 24th December, 1765, the Court directed them to 'be particularly careful that every Circumstance of a material nature which' appeared either in their 'General or Separate Consultations be . . . . . . taken up in a proper manner' in their General Letters to itself. Thus the Court used to keep itself informed of every transaction in the Company's settlements in Bengal, Bihar and Orissa.

Powers of the Select Committee.

The powers of the Select Committee varied from time to time; but except during the short period in which it was invested with extraordinary powers by the Court of Directors, it was the Council, and not the Select Committee, which was vested with 'a General Supravising Power' over the administration of the Company's affairs in this province. This will be clear from what follows.

When the Court of Directors constituted a Select Committee by its General Letter to Bengal, of 11th February, 1756, it stated that, as the then situation of the Company's affairs in

[1] See the Company's General Letter to Bengal, dated 15th February, 1765, para. 100; also the Company's General Letter to Bengal, dated 17th May, 1766, para. 67; also the Company's General Letter to Bengal, dated 28th August, 1771, para. 34; also the Company's General Letter to Bengal, dated 31st January, 1755.

the province required 'more than ordinary vigilance to preserve and protect our Estate, Rights and Privileges in Bengal', the Committee was appointed to 'transact affairs with the Country Government and Neighbouring Powers, also with $\frac{e}{y}$ French, Dutch and other Europeans, and in general to take such measures as shall best conduce to the Protection and Preservation of the Companys Estate, Rights and Privileges in Bengal'; but that it was 'not to disburse any of the Company's Treasure or Cash without the concurrence of the Majority of the Council at a Board duly summoned'. The Committee was also required by the Court 'to follow all such Orders and Instructions' as would from time to time be sent to it by the Secret Committee of the Court, and 'to correspond and act in concert' with the Select Committees of Madras and Bombay whenever the mutual interests of the Company's 'Settlements in general or of any one in particular' were 'concerned'. It was 'likewise to concert all necessary measures with the Commanders of his Majesty's Sea and Land Forces' whenever they would be in Bengal. Finally, the Court stated: 'We most earnestly recommend and enjoin the most inviolable Secrecy to be observed, in all Transactions of this Committee as far as the Nature and circumstances of the several affairs before them will admit of'.[1]

Again, while constituting a Select Committee in November, 1757, the Court stated in its General Letter to the President and Council at Fort William in Bengal, dated 11th November, 1757:—

'It being necessary in the present Situation that there should be a Select Committee *to transact affairs with the Country Government, and other matters which require Secrecy*,[2]

[1] The Committee was also required to enter 'all their Proceedings, Resolutions and Correspondence in Books to be kept for that purpose only, and transmit them to us (i.e., the Court) by every opportunity'. —See the Company's General Letter to the President and Council at Fort William in Bengal, dated 11th February, 1756.

[2] The italics are ours.

We do hereby direct that the following Persons be a Select Committee accordingly, etc. . . . . . .'

'The Select Committee', the Court continued,[1] 'are to proceed upon the Plan of our General Letter of the 11th February 1756,[2] but they are to observe that the principal objects of their Business are to be the Transacting and negotiating Matters with the European and Indian Powers, so far as Secrecy is absolutely necessary and not otherwise, also the concerting the necessary Plans and measures for Military operations to be laid before the President and Council for their determination and ordering them to be carried into Execution, if approved of, that Committee will easily judge of such, whereof the Nature and Circumstances require Secrecy and that they should not be immediately made publick, in such they are to use their discretion and reserve as a part of their province as a Select Committee, & Correspond with our Secret Committee[3] accordingly thereupon, in general nothing is to be concealed from the President and Council, but what in it's nature and Circumstances ought to be really Secret, and might be prejudicial to the Company if discovered for a time at least, in consequence whatever matters and Transactions are not of a Secret nature must stand upon your Consultations, and be advised to us in your General Letters and the rest must be communicated by the Select Committee to our Secret Committee'.

In its Letter to the President and Council of Fort William, dated 19th February, 1762, the Court repeated in essence the above instructions, in connexion with the question of the treaty negotiated with Cossim Aly Khan. It said that affairs of great importance such as the treaty negotiated with Cossim Aly Khan, 'most certainly ought to be laid before the Board (i.e., the Council) before they are carried into Execution, if it can possibly be done with safety'. 'It may be true', the Court further remarked,[4] 'that the Secrecy which

[1] See the Company's General Letter to Bengal, dated 11th November, 1757.
[2] See pages 279–80 *ante*.
[3] I.e., the Secret Committee of the Court.
[4] See the Company's Letter to Bengal, dated 19th February, 1762.

was observed by the Select Committee might greatly facilitate the carrying the said Treaty into Execution under their sole Direction; yet it would have been more satisfactory to have had the approbation of the whole Board,[1] who ought in such case to have been enjoined the most inviolable secrecy'. 'In all future Transactions of Consequence therefore', the Court concluded, 'you are to observe, agreeable to our Directions [2] in the year 1757, That, in general nothing is to be concealed from the President and Council, but what in its nature and circumstances ought to be really secret'.

Shortly afterwards, however, the Court appears to have changed its views regarding the position and powers of the Select Committee. In its Letter to Bengal, dated 21st April, 1762, the Court wrote to the President and Council: 'Notwithstanding any former Powers, Your Select Committee is not for the future to carry anything into Execution, It is only to make proper Plans for that purpose, to be laid before the General Council for their Information & directions, in short nothing is to be concealed from the President and Council but what in its nature & Circumstances ought to be really secret, and might be prejudicial to the Company if discovered for a time at least, in Consequence whatever matters and Transactions are not of a secret nature must stand upon your Consultations and be advised to us in your General Letters, and the rest must be communicated by the Select Committee to our Secret Committee'.

By another letter[3] to Bengal, dated 9th February, 1764, however, the Court invested Mr Henry Vansittart, the then President and Governor of Fort William, or, *in his absence, the President and Select Committee at Fort William for the time being, with 'the fullest Powers . . . to pursue such measures'*[4] as they should judge most proper at that time.

[1] I.e., the Council.

[2] See pages 280–81 *ante*.

[3] Addressed to Mr Henry Vansittart, President and Governor at Fort William, or, in his absence, to the President and Select Committee thereof for the time being.—See in this connexion the Company's General Letters to the President and Council at Fort William in Bengal, dated 9th February and 9th May, 1764.

[4] The italics are ours.

The Court did this as it had learnt with great concern from 'the advices received by the Lapwing from Fort St. George' that the affairs of the Company in Bengal were in the utmost confusion and, therefore, felt that it had become absolutely necessary to take such measures as might restore tranquillity there. The Court also directed in that letter that President Vansittart, or, in his absence, the President and Select Committee for the time being, were to communicate to the Council at Fort William such parts of the letter as he or the Committee should think it proper to do from time to time; that *meanwhile all the affairs of the Company in Bengal were 'to be Conducted under the Orders and Directions of the said Persons'; and that 'they' were 'to be obeyed by the rest of the Council' and all other servants of the Company in Bengal 'accordingly'.*[1] This direction of the Court was to continue in force until the President and Council received further orders from it.

Curiously enough, on May 9th,[2] 1764, the Court cancelled[3] all its orders conveyed by its letter of 9th February, 1764, addressed to President Vansittart or, in his absence, to the President and Select Committee for the time being, and also directed the Select Committee then existing at Fort William, to be 'annihilated and abolished'.[4] In its General Letter[5] to Bengal, of 1st June, 1764, however, the Court stated that the intention of the General Court of Proprietors in desiring Lord Clive to go to Bengal, in view of the critical situation of the Company's affairs there, was 'that by his Lordship's

[1] The italics are ours.

[2] See the Company's General Letter to Bengal, dated 9th May, 1764.

[3] The Court wrote, 'We . . . . . now inform you that the whole of our said Letter (of 9th February, 1764) is to be entirely set aside, and it is accordingly hereby revoked'.—See the Company's General Letter to Bengal, dated 9th May, 1764.

[4] The actual words of the Court were :—

'Having taken into consideration the Powers with which the Select Committees at our several Presidencies have been Invested We have thought proper entirely to annihilate & abolish them, and the said Committee is accordingly upon the Receipt of this Letter to be laid aside and abolished at our presidency of Fort William, the like orders go to our other presidencies'.—See the Company's General Letter to Bengal, dated 9th May, 1764, Para 36.

[5] Addressed to the President and Council of Fort William.

Character and Influence, Peace and Tranquility (*sic*) might be the easier restored and established in that Subaship.' 'In order therefore', the Court continued, 'to answer these purposes in a manner that we apprehend may prove most effectual, We have thought proper to appoint a Committee[1] on this occasion consisting of his Lordship, Mr Wm Brightwell Sumner, Brigadier General Carnac, also Messrs Harry Verelst and Francis Sykes *to whom we do hereby give full Powers to pursue whatever means they shall judge most proper to attain those desirable Ends ; But however in all Cases where it be done conveniently, the Council at large is to be consulted by the said Committee, though the Power of determination is to be in that Committee alone*'.[2] 'We further direct', said the Court in conclusion, 'that as soon as Peace and Tranquility (*sic*) are restored and established in the Subaship of Bengal then the said extraordinary Powers are immediately to cease and the said Committee be dissolved'.

Thus a 'General Supravising Power' was conferred on Lord Clive and his Select Committee. As a consequence, the Council at Fort William became, for the time being, a factor of secondary importance in the administrative system of the Company. And when in May, 1766,[3] the Court of Directors considered it, in the interests of the Company in Bengal, to continue a Select Committee there, it confirmed the powers with which Clive and his Committee had already been invested. 'We hereby give them[4]', said the Court, 'full authority to correct abuses of every kind, particularly in the Collection & Management of our Revenues—to endeavour by legal means to detect all sorts of Corruption in our Servants Civil & Military, and punish immediately those who disobey the Company's Orders or disregard the Select Committee's Regulations . . . . In short, *We give them full power to do every Act & Deed which may contribute to*

[1] The Committee held its first meeting at Fort William on 7th May, 1765.—See the Proceedings of the meeting of the Select Committee held at Fort William on 7th May, 1765. [2] The italics are ours.

[3] See the Company's General Letter to the President and Council at Fort William, dated 17th May, 1766.

[4] I.e., Clive and his Committee.

preserve Peace, Tranquility (sic), Discipline, Harmony, good order & Subordination[1] in the Settlement by suspending the Offenders from our Service be they whom they may. All other Persons not under Covenants to us who shall offend in any of these points must have our Protection withdrawn from them and be sent home'. The Court also directed[2] that these powers were to remain in force during Lord Clive's continuance in Bengal. And in a letter, dated at London 21st November, 1766, the Court wrote[3] to the Select Committee itself: '*We recommend it to you to put the most extensive construction on the powers we have vested in you to correct all abuses*'.[4]

Division of functions by the Select Committee.

It was natural in these circumstances that the Council would be, whatever might have been its position before, completely eclipsed[5] for the time being by the Select Committee. At a meeting held at Barasult (Barasat?) on 21st December, 1766, however, the Select Committee made a distribution of the functions of the Company in Bengal between itself and the Council. As, it held, 'the methodizing and

[1] The italics are ours.

[2] See the Court's General Letter to the President and Council at Fort William, dated 17th May, 1766.

[3] In its letter of 17th May, 1766, addressed to the Select Committee itself, the Court had previously written :—' Para. 48—You will observe by the General Letter to the President and Council accompanying this the very ample powers we have entrusted you with for preserving peace Tranquility (*sic*), Discipline, Harmony Good Order, and subordination in Bengal. Powers which we doubt not you will make use of in such a manner as will in all circumstances be most for the Company's Interest as well as reflect honour upon yourselves'.

[4] The italics are ours.

[5] Clive's conception of what his own Select Committee practically was and of what a Select Committee should be, was described by him as follows, in his letter to the Court of Directors, dated at Fort William 30th September, 1765 :—

'Five Gentlemen well versed in the Company's true Interest, of Abilities to plan, and Resolution to execute; Gentlemen whose Fortunes are honourably approaching to Affluence, and whose Integrity has never suffered them to exceed the Bounds of Moderation: A Select Committee, Composed of such Men, will transact more Business in a week, than the Council can in a Month. The opinions and Judgment of Five Men are as securely to be relied on, even in Affairs of the utmost Consequence, as Sixteen: They are less liable to Dissention, and it may be said beyond a Contradiction, that their Administration is more distant from democratic Anarchy. The Council, however, would not be a useless Body; for whilst the Attention of the Committee was chiefly engaged in watching and repairing the Main Springs of

arranging the public business by assigning to the Select Committee and the Council their respective, separate and distinct provinces' would greatly conduce 'to the dispatch and regularity so essentially required in the Company's affairs,' the Committee resolved as follows[1] :—

'Whatever may any way relate to the Company's political and military affairs and the collection of the revenues arising from the late royal grant of the Dewanny, to treaties, negociations (*sic*), alliances, in a word whatever affects the Government, the country powers or the political and military interests of our Honble Employers shall in future be conducted—managed and directed wholly by the Select Committee.

'And . . . . the disbursement of money, the preparing, ordering and directing investments, the managing the Company's own lands and collecting the revenues of the Provinces of Burdwan—Chittagong and Midnapore together with the current business of the presidency, subordinate factories and aurungs[2] with all that belongs to the trade & navigation of India shall henceforward be entirely under management and direction of the president and council.

Government, the Council would as materially serve the Company, in attending to the many other Movements of the Grand Machine, which are as essentially necessary to the public Advantage and Security. And that the Committee should not be able to carry their Powers to any dangerous Length, they might be ordered annually, before the Dispatch of the Europe Ships, to submit their Proceedings to the Review of the Gentlemen in Council, who might transmit their opinions thereupon to the Court of Directors. *Your present Select Committee have from Time to Time laid most of their Proceedings before Council*, and we intend to continue the same system of Candour, except in any political Cases of Secrecy; when Prudence may require that our Resolutions should be confined to the Knowledge of a Few.'
(The italics are ours.)
And we also find in the General Letter which the President and Council at Fort William wrote to the Court of Directors on 30th September, 1765 :—

'Para 25 :—The Select Committee agreeably to your Appointments was also formed directly upon the Kent's Arrival. Their Powers were therefore communicated to our Subordinate Factories & to the Presidencies of Fort St. George & Bombay, and the necessary Directions given in consequence to the former to obey all orders which they might receive from them And *the Committee have from time to time laid before the Board* (i.e., the Council) *such of their Proceedings as they judged advisable and proper*'. (The italics are ours.)

[1] See the Proceedings of the Meeting of the Select Committee held at Barasult (Barasat?) on 21st December, 1766. [2] See the Glossary.

'The Committee reserving to themselves notwithstanding those powers wherewith they are vested in the most ample and absolute manner by their Honble Employers *of interfering upon such occasions as they may think necessary to the interest of the Company and general welfare of the country*.'[1]

Committee's letter to Court on the division of functions.

And in a letter, dated at Fort William 24th January, 1767, the Select Committee wrote[2] to the Court of Directors that, 'to avoid confusion and delay in transacting the multiplicity of affairs now dependent on this Presidency', it had drawn a line 'whereby their distinct and respective Provinces' had been 'marked out and assigned' to the Council and the Select Committee. 'To the former', said the Committee, 'we have allotted the Disburst. of Money, the ordering preparing and directing your Investments, the managing your Calcutta Lands and Pergunnahs, the collecting the Revenues of Burdwan, Midnapore and Chittagong together with the current business of the Presidency subordinate Factories and Aurungs with whatever may any way relate to the Trade and navigation of India. These were the proper objects of the attention of your President and Council before the Company's Influence and power became so enlarged before the armies they maintained, the alliances they formed and the Revenues they possessed procured their consideration as a sovereign and politic, as well as a commercial Body'. 'To the Select Committee', the Committee continued, 'is reserved the power of making treaties conducting negociations, and contracting alliances; of ordering and directing everything relative to the operations of War; the defence of the Country and to military affairs; of settling the amount of the annual revenues and collecting them in quality of Dewan[3] for the King of issuing orders to the Resident at the Durbar and

[1] The italics are ours. [2] See paras. 8 and 9 of the letter.

[3] The Committee also wrote: 'For the greater precision in the management of your affairs we have considered the whole business of the Dewanny as purely Political. It is therefore kept separate and apart from that of your former possessions, the direction of which will in future be left to the Governor and Council in the manner explained in the next Paras (i.e., paras. 8 and 9).'—See the Letter from the Select Committee to the Court, dated at Fort William 24th January, 1767. (See paras. 8 and 9 as summarised on this and the following page.)

corresponding with the Country Powers : in a word of carrying on whatever business may affect the Government or the political and military interest of our Honble Employers *with this farther reservation of the power delegated to the Committee, of interfering upon such occasions as they may judge necessary to the good of the Company & general welfare of the Country.*'[1]

These were the regulations under which, the Committee said, it proposed to conduct the business of the Presidency of Bengal in future, and which it was hoped by the Committee would meet with the Court's approbation. 'In marking the limits assigned to each department', the Committee concluded[2], 'we have observed all possible regard to the honor of the Board (i.e., the Council here) and to the natural boundaries of what your Possessions were and what they now are, with this view especially that if upon any future emergency or reverse of Fortune we should be forced to relinquish our late acquisitions and return to our former condition we may do it with the least Injury to your affairs'.

Continuance of the Select Committee.

As we have stated before[3], under an order[4] of the Court, dated 1st June, 1764, the extraordinary powers of the Select Committee were 'immediately to cease' and the Committee itself was to be dissolved as soon as peace and tranquillity were 'restored and established in the subaship of Bengal'. Later on, by its General Letter to the President and Council, dated 17th May, 1766, the Court left it to Lord Clive to determine whether the Select Committee should be further continued or not in the interests of the Company. It stated therein: 'Nor is the Select Committee to be continued unless his Lordship shall judge it for the Interest and Benefit of the Company; but if Lord Clive shall have left Bengal before this reaches you, and his Lordship has thought it necessary to continue the Select Committee in such case the said Committee is to exist until our further orders are

[1] The italics are ours.

[2] See the Committee's Letter to the Court, dated at Fort William 24th January, 1767, para. 10.

[3] See page 284 *ante*.

[4] See the Company's General Letter to Bengal, dated 1st June, 1764.

received'. By the same letter the Court also empowered 'Lord Clive on his departure from Bengal to make such further Regulations . . . . . . to be observed by the succeeding Select Committee as his Lordship shall judge most for the Interest of the Company''[1].

At a meeting of the Select Committee held at Fort William on 16th January, 1767, Clive referred to the above-mentioned letter of the Court and declared that the expediency of the measure being self-evident he did not hesitate to 'pronounce that the Select Committee must be continued.' And he actually proposed the names of the persons who were to constitute the Select Committee which would function on his departure.[2] The Committee (then existing) concurred in his proposals.[3] Information regarding Clive's decision to continue the Select Committee as well as its future personnel as proposed by him and approved of by the Committee, was duly communicated by the Committee to the Court of Directors in its letter[4], dated at Fort William 24th January, 1767.

In its General Letter to the President and Council at Fort William, dated at London 12th January, 1768, the Court of

[1] The Committee further stated in the letter :—

'We do also hereby delegate and repose in Lord Clive and the Select Committee in case they shall think it necessary to the interest of the Company and we trust it will be carried into execution upon no other motive or consideration, *full power and authority to suspend any of our Select Committee or Council*, and we do hereby further direct that such suspension be not taken off without our express leave'.—(The italics are ours.)

—See the Company's General Letter to Bengal, dated 17th May, 1766, para. 41.

[2] See the Proceedings of the Select Committee, Fort William, of 16th January, 1767. [3] See *ibid.*

[4] The Committee wrote (para. 25) to the Court :—

'By the admiral Stevens we earnestly recommended that the Select Committee might be continued. You are pleased to approve our sentiments, which experience has rather confirmed than altered—You have entrusted Lord Clive with the powers of abolishing it entirely or continuing it under such regulations as he shall think most conducive to your service—His Lordship who joins with us in opinion that the Government upon its present Establishment cannot properly be conducted except by a Select Committee composed of your servants of the greatest zeal, integrity and abilities has delivered in as the last act of his administration a proposal for continuing (16th Jany.) the Committee after his departure, in the manner expressed in his Letter entered in our proceedings—the gentlemen proposed to fill up the

Directors observed in reply[1] that it had 'experienced such great Advantages from the Establishment of a Select Committee, that although the ends for which' it had first been instituted had happily been obtained 'by the establishing of Peace, Tranquility (*sic*) and Subordination', yet it found that the nature of those important charges which then fell under the management of the Company's servants, required that they should be conducted by a small number of persons. It, therefore, confirmed the Select Committee and directed that its 'Department and Powers' were to be as follows :—

'They (i.e., the Select Committee) are to conduct every thing that relates to the Country Government, either with respect to the Duannee or the Company's political Interests with the neighbouring Powers, together with the Military operations depending thereon. They are to negotiate with the Soubah[2] and the Country Powers, but to conclude no Treaty of Commerce or Alliance without the Approbation of the Council at large. They are to superintend the Collection of the Revenues arising from the Duannee, but without the Power of disbursing them; nor do the Revenues arising from the Company's other Possessions fall under their Jurisdiction. *Their general superintending Power ceased with the Abuses that gave rise to that Power, with which they were entrusted,*[3] and all other Branches of the Company's Affairs fall under the General Department. . . . . .'[4]

In regard to military matters, however, the Court also said in the same letter[5] :—

'We have in the foregoing Paragraph (i. e., Paragraph 10 quoted above) directed that the Military Operations shall

vacancies, are such as we could not but approve: and the plan laid down by his Lordship for the guidance and direction of the Committee, so clearly chalks out the path which we ought to pursue and the only path which can lead to Your honour and Interest that if we deviate from it it must proceed not from Ignorance but inclination, and we become in all respects accountable for the consequences of such deviation'.

[1] Para. 9. [2] I.e., the Subahdar here. [3] The italics are ours.

[4] See the Court's General Letter to the President and Council at Fort William, dated at London 12th January, 1768, para. 10.

[5] Para. 11.

be conducted under the Orders of the Select Committee, but the supreme Military Power is vested in the Board (i.e., the Council) conformable to the usual practice'.

Superintending Power withdrawn.

Thus it is clear from the above extracts that the 'general superintending Power' which had been conferred on the Select Committee by the Court by its General Letter to Bengal, of 1st June, 1764, and which had been confirmed by its General Letter to Bengal, of 17th May, 1765, was now withdrawn from it by its (i. e., Court's) General Letter to Bengal, of 12th January, 1768. The Committee realised this, and, in a letter, dated at Fort William 13th September, 1768, wrote to the Court that it was 'happy to perceive' that the success with which its labours had been crowned, had rendered it unnecessary for the Court to continue to the Committee 'those superintending Powers', with which it had up till then been vested. 'The concluding of Treaties', the Committee said, 'the disbursement of money and the supreme power over Your Military, will therefore in future be conducted by your President and Council and we shall continue in the management of your Political concerns, and the collection of the Dewannee Revenues, within the limitation prescribed in your late orders'.

Re-institution of the Secret Department.

In the meantime, at a Consultation held at Fort William on 22nd August, 1768, the Council had, as we have seen before,[1] reconstituted itself into a Secret Department at the instance of the President. The latter had remarked thereat that the Court of Directors had 'in their late Commands under date the 16th March'[2] vested in the Council 'the sole power of concluding Treaties, the power over their military, and all disbursements of money', and that, in view of this, the Select Committee was thereafter to lay before the Council from time to time important matters which might 'require the utmost

[1] See pages 214–15 *ante*.

[2] Obviously, 1768 (see the Letter to the Court from the Select Committee at Fort William, dated 13th September, 1768).

We do not find, however, in the Court's General Letter to Bengal, of 16th March, 1768, any reference to the vesting of the powers in question in the Council. It occurs in the Court's General Letter to Bengal, dated at London 12th January, 1768. This letter had been addressed to the President and Council at Fort William.

secrecy'. Moreover, he had observed, the Committee had then in its possession 'affairs of the utmost consequence' to communicate to the Council. He had, therefore, recommended that on all occasions when secrecy was essential, the Council should form itself into a Secret Department. The Council having unanimously concurred in opinion with the President and an oath of secrecy[1] having been administered to every member present at the Consultation, it had re-formed[2] itself into a Secret Department as recommended by the President.

Select Committee and the Secret Committee of the Court.

Matters requiring secrecy would often be communicated by the Secret Committee of the Court of Directors to the Select Committee at Fort William and *vice versa*. For instance, we find in the Company's General Letter[3] to the President and Council at Fort William, dated 25th March, 1757:—

'The general Situation of Affairs and the necessary Directions in this time of danger as well with respect to the French as your Concerns with the Country Government, will be communicated by the Gentlemen of the Secret Committee to the President and the rest of the Gentlemen of the Select Committee at Fort William'.[4]

We also find, on the other hand, in a Parliamentary Report[5]:—

'That in the year 1758, a Treaty, consisting of 12 Articles, and dated 5th of July 1757, was received by the Company in a Letter from the Select Committee at Bengal, to the Secret Committee of the Court of Directors, bearing Date the 14th of July 1757'.

The Select Committee and its Secretary.

The Select Committee could appoint its own Secretary. When, for example, Mr Alexander Campbell resigned, on 20th December, 1767, 'his office of Secretary' to the Committee, the latter appointed Mr Charles Floyer to be his successor.[6]

[1] See page 215 *ante*.
[2] See page 215 *ante*.
[3] Para. 74.
[4] Also see pages 114–16 *ante*.
[5] See the Commons' Report (Select Committee), First, 26th May, 1772.
[6] See Proceedings, Select Committee, Fort William, 20th December, 1767.

Controversy between the Council and the Select Committee.

It may be interesting to refer in this connexion to the prolonged controversy which took place in 1770 between the Council and the Select Committee over the question of their respective jurisdictions. Briefly speaking, the occasion for the controversy was as follows. In its letter[1] of 30th June, 1769, addressed to the President and Council at Fort William, the Court of Directors directed, with a view to effecting a great improvement on the collection of revenues from Diwani lands, 'a Plan of reformation' of an extensive nature to be executed. As we have stated in detail elsewhere[2], under this plan two Controlling Councils of Revenue, consisting of some of the ablest servants of the Company, were to be established for the management of the Diwani revenues: One at Moorshedabad for the Province of Bengal and another at Patna for that of Bihar.

In the same letter the Court also informed the President and Council at Fort William that it had decided to send three Commissioners to India 'with full Powers of superintending the Company's several Presidencies & directing their operations to one uniform Plan'; and that it had accordingly appointed Messrs Henry Vansittart, Luke Scrafton and Francis Forde to be its Commissioners for the said purpose 'with Powers as Expressed more fully in their Commission'. Now it appears from the said letter of 30th June, 1769, and also from the Instructions of the Court to the Commissioners (dated 15th September, 1769,) relating 'to the Presidency at Fort William in Bengal',[3] that one of the tasks entrusted to the Commissioners was 'the Establishment of a better mode

[1] See the Company's General Letter to Bengal, dated 30th June, 1769.
[2] See the author's '*Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765-72', Ch. IV.
[3] In para. 29 of its Instructions to the Commissioners relating to the Presidency of Bengal, dated 15th September, 1769, the Court stated :—
'You are fully empowered by the Company's Commission, to superintend and regulate the collection of their Revenues ; to put them on a just and honourable footing deserves your peculiar Care & attention; whatever Abuses, Extortions, and Oppressions the Inhabitants and Tenants have been exposed to, from the exaction of extraordinary Contributions, which always tend to impoverish the Country, or from any other specious causes or pretences, we strictly enjoin you to reform, and for the future effectually to prevent ; to this end, it seems to

of collecting the Duannee Revenues ', on the lines suggested by the Court in the letter. As the Commissioners who had embarked[1] from Spithead on 30th September, 1769, on board 'His Majesty's Frigate *Aurora*', had not reached India within the usual time and as no intelligence had been received about them although six months had elapsed since they had left the Cape of Good Hope, it was naturally apprehended by the authorities at Calcutta that they must have met with some 'fatal accident' on their way.[2] It was on this supposition that the Council at Fort William argued that, regard being had to the contents of the letter of 30th June, 1769, the execution of the powers vested in the Commissioners by the Court of Directors, did, so far as the management of the Diwani revenues was concerned, devolve on itself. The question was first raised at a Secret Consultation held at Fort William on 19th June, 1770. Some of the members of the Council said that they were of opinion that by its orders in its General Letter of 30th June, 1769, sent by the *Lapwing*, the Court had intended that the management of the Diwani revenues should in future be under the direction of the Council. And 'being desirous in consequence of having it determined how far' its own authority in the management of the Company's affairs, and how far the authority of the Select Committee, extended, the Council agreed that these questions should be considered on the following Wednesday, the 27th of June, 1770.[3] These proceedings of the meeting

us a prudent and desirable measure, that instead of the residence of only one Person at the Durbar, to superintend the Important Business of managing and adjusting the Revenues, There should be a Resident, with a Council or proper Assistants at the chief Places of Collection, who should have power to conduct and regulate the mode and charges of Collection, and reform all Abuses therein; and to whom the Complaints of the Inhabitants may at all times find free access'.

[1] See the Company's General Letters to Bengal, dated 15th September and 10th November, 1769.

[2] *Vide* Secret Letter to the Court of Directors, dated at Fort William 8th September, 1770; also the Postscript to the General Letter to the Court, dated at Fort William 28th June, 1770; also Secret Consultation, Fort William, of 6th July, 1770.

[3] See the Secret Consultation, Fort William, of 19th June, 1770. The actual wording of the resolution passed by the Council was:

'Agreed that these matters be taken into Consideration on Wednesday next the 27th Instant.' (*Ibid.*)

of the Council held on 19th June, 1770, were duly reported by its President, Mr John Cartier, to the Select Committee on 21st June, 1770, in a minute delivered by him.[1] He stated in the course of this minute that he had been surprized at the action of the Council as mentioned above. He thought that, if the General Letter of the Court, dated 12th January, 1768, 'had been attentively perused and paragraph 9th been recollected, any doubts as to the power of the Committee and those of the Board (i. e., the Council) could not have remained as the line which circumscribed the power of Each' had been 'most accurately and with precision drawn' therein. Nor did he find anything either in the General Letter of the Court, of 30th June, 1769, or in any other subsequent letter, that indicated that the Court had revoked what it had directed in its General Letter of 12th January, 1768. If and when the special Commissioners[2] who had been vested by the Court of Directors with extraordinary powers, did arrive, they would, he said, 'supersede every other' authority. But even then 'in the most material points of government' they had been required by the Court to consult the opinion of the Select Committee and to give it its proper weight in their deliberations. But if the Commissioners had met with an accident on their way to India, 'Is it', asked the

The members of the Council present at this Consultation were: Mr John Cartier (President), and Messrs Claud Russell, John Reed, Francis Hare, Joseph Jekyll, Thomas Lane and Richard Barwell. Mr Charles Floyer was absent on account of indisposition. (*Ibid.*)

Also see the Secret Letter to the Court, dated at Fort William 8th September, 1770. According to para. 8 of this Secret Letter, however, the 'Words' of the resolution adopted by the Council on 19th June, 1770, were 'to this effect':—

'Resolved to take into Consideration on Wednesday next the 27th Instant the Orders of the Honble Court of Directors in their General Letter of the 30th June, 1769 p Lapwing etc. . . . .'

The difference, however, is only verbal.

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 21st June, 1770. According to the Secret (Department) Letter to the Court of Directors, dated at Fort William 8th September, 1770, this particular meeting of the Select Committee was held on the morning of the 20th of June, 1770. This seems to be an error. According to the Proceedings of the meetings of the Select Committee, Fort William, held on 21st June, 28th June, and 19th July, 1770, also, the meeting in question was held on 21st June, 1770.

[2] Appointed by the Court. See page 293 *ante*.

President, 'the design of the Honble Company that their plan of reformation in the mode of collecting the Revenues should fall under the management of any other part of their administration, but their Select Committee?'

'I am clear in opinion', he concluded, 'it is not their intention—for if it was—I am well convinced they would with their accustomed perspicuity have withdrawn in very absolute and Express terms that part of the power lodged with the Select Committee. . . . . . . These circumstances seem to merit the attention of this Committee and it is my duty to represent them proposing that your deliberations thereon whatever they may be shall be communicated to the Board (i.e., the Council) previous to their Entering upon the proposed discussion'.

Thereupon, Messrs Charles Floyer[1] and Claud Russell who were the only other members present at the meeting of the Committee, expressed their views on the action taken by the Council. Their views agreed[2] in essence with those of the President. Among other things, Mr Floyer stated that his idea of the powers which were vested in the Committee was chiefly founded on the 9th and the 10th paragraph of the Company's General Letter, of 12th January, 1768[3], in which 'the line of authority between the Council and the Committee' had in his opinion been 'drawn with all possible precision'. After arguing at length from the contents of those paragraphs, he concluded: 'Upon the whole, Gentlemen, it is my opinion that the Council have not the power of entering upon a discussion of the Committee's authority, nor can the Committee be deprived of any part of their present powers but by the orders of the Court of Directors or of the expected Commissioners. Therefore until such orders arrive, I do not think the Select Committee can be justified in giving up any the least part of that authority they now possess in virtue of orders from the Court of Directors'.

[1] Mr Floyer could not attend the meeting of the Council held at Fort William on 19th June, 1770, owing to indisposition.
[2] See Proceedings, Select Committee, Fort William, 21st June, 1770.
[3] See pages 289–90 *ante*.

Mr Russell also held[1] that the resolution of the Council as reported to the Committee by the President had been 'unprecedented and irregular', as a discussion of the powers of the Select Committee was 'foreign to their department'. 'The line of authority between the two Boards',[2] observed Mr Russell, 'is clearly drawn by the Honble the Court of Directors with their usual precision in their letter of the 12th January, 1768'.[3] And if 'the powers of the Committee were meant to be in any shape abridged or revoked doubtless the Court of Directors would have left nothing for implication, but have declared their intentions with the same precision and clearness as they regulated those powers'.

'On the whole', Mr Russell concluded, 'I am clear in opinion that until the Commissioners'[4] arrival, the Select Committee is to all intents and purposes meant to be on the same footing as ordered in the 9th and 10th paragraphs of the General Letter of the 12th January/68[5] without the least diminution. That the Company's General Letter per Lapwing like all their former ones Even implies nothing to the contrary, but only means to convey the Company's sentiments and directions on their affairs in general . . . . . . That the Board (i.e., the Council) cannot without perverting the meaning of the Company's orders consider the plan for a Council of Revenue addressed to them independently of the Committee, nor the Dewannee Revenue to be under their immediate direction. And that Even this plan is meant to be carried into Execution neither by the Council nor Committee but by the Commissioners[6] who are doubtless more fully instructed.

'Previous therefore to the Board's entering upon the intended discussion I think the Committee ought to remonstrate against the impropriety of it and warn them of the evil

1 See Proceedings, Select Committee, Fort William, 21st June, 1770.

2 I.e., the Council and the Select Committee.

3 See pages 289–90 *ante*.

4 I.e., the special Commissioners appointed by the Court. See page 293 *ante*.

5 See pages 289–90 *ante*.

6 I.e., the special Commissioners (see page 293 *ante*).

tendency of an attempt to lessen the powers of the Committee which a regard to the commands of the Company and their own Honour can never suffer them to yield up to the Board (i.e., the Council) without orders from the Court of Directors or the Commissioners '.[1]

After this exchange of views the Committee held unanimously[2] that 'the Resolution of the Council to discuss the powers of the Select Committee' was irregular and that there was 'no good foundation for calling them in question or proposing a new line to be drawn'. And 'having well weighed the tenor and tendency of such a proceeding', it also urged[3] the following points in favour of its contention :—

'Ist That the 9th and 10th paragraphs[4] of the general Letter dated the 12th January, 1768, do define the respective departments of the Council and Committee with a precision which needs no Elucidation and an accuracy which requires no amendment.

'IInd That in no subsequent letters are the powers there delegated, revoked, abridged, or in any respect altered either directly or indirectly, by absolute expression or any the most distant implication.

'IIIrd That if any arguments are drawn in prejudice to the Committee's power from the style of the Company's letter[5] per Lapwing which addresses the Council on the subject of the Revenue, such arguments are hasty and inconclusive, because it is usual with the Court of Directors to address the Committee through the channel of the Board Evidently without intention to weaken or diminish any part of the delegated powers of the Committee, by so doing and leaving to the Council and Committee the part of separating what belongs to Each . . . .

[1] I.e., the special Commissioners.

[2] See the Proceedings of the meeting of the Select Committee, held at Fort William on 21st June, 1770. This meeting was attended, as noted before, by the Hon'ble Mr John Cartier (President) and Messrs Claud Russell and Charles Floyer.

[3] See *ibid.*

[4] See pages 289-90 *ante*.

[5] I.e., the Company's General Letter to Bengal, dated 30th June, 1769.

'IVth That this has hitherto been the construction of the Council themselves whose constant practice was to transmit to the Committee Extracts from their letters of all such matters as they deemed cognizable by the Committee and consequently no new construction can consistently be put on the style of the Lapwing's Letter.[1]

'Vth That the very Existence of the Committee is affected by this motion of the Council since the same mode of implication by which they question our right of Superintendence over the revenue may be applied also to all political transactions over which we have equally an undoubted and constitutional authority.

'VIth That the Reformation mentioned to be intended in the administration of the revenue does in fact respect neither the Committee nor Council but is apparently meant to be put in execution by the Commissioners[2] who were then on their departure from England but that should the Commissioners meet with an accident or the Directors not think fit to Explain the instructions which the Commissioners have received, it rests with the Select Committee alone to be the Executors of those orders because their powers are stated in the 9th and 10th paras of the general letter of the 12th January, 1768,[3] are nowhere repeated (repealed ?) because in the subsequent letter[4] per Houghton the Select Committee is ordered to assist the Commissioners with their advice if called upon, therefore could not be supposed to have been annihilated by

[1] See the letter referred to in the last foot-note.
[2] I.e., the three special Commissioners.
[3] See pages 289–90 *ante*.
[4] Obviously, the reference is to the Company's General Letter to Bengal, dated 15th September, 1769. In para. 6 of this letter, which was received here *per Houghton* on 4th June, 1770, the Court wrote to the President and Council:—

'In making Peace or War or matters which shall be adjudged of the utmost importance to the Company's Interest, We have directed that whatever resolution shall be taken thereon by the Commissioners the same is to be laid before our Select Committee at the Presidency where they may happen to be, who are to be at liberty to represent and deliver to them their sentiments thereupon which the Commissioners are to consider maturely before they finally determine upon such Resolution'.

the orders of the Lapwing and restored by the Houghton, and also for the reasons assigned in Resolution the Second.[1]

'VIIth That it is contrary to Every rule, form and precedent to suppose that the Court of Directors had they intended a revision or abridgement of the powers of the Committee would have left their sentiments on so important and delicate a subject to be collected from loose unconnected hints interspersed up and down their letters, nor is it for the same reasons proper or regular when orders have in one place been clearly conveyed to strain meanings in support of an attempt to destroy the virtue of such orders.

'VIIIth That this Committee deem themselves to all intents and purposes as legally & constitutionally invested with the powers granted in the 9th and 10th Paragraphs of the Letter of 12th January as they ever were and therefore not amenable to the Council for the Exercise thereof, nor liable to be deprived thereof by any but the Commissioners[2] when they arrived or if they do not arrive the Court of Directors who conferred the said powers.

'IXth That from a Sense both of Honour & Duty and from a necessary regard to the good order and prosperity of the Company's affairs they cannot think of conceding to the Council any part or share in those powers contained in the paragraphs above mentioned and fully persuaded their receding therefrom cannot be vindicated to their Employers, on the contrary would prove them to be unworthy of enjoying any public trust, they will uphold and maintain their authority without diminution notwithstanding any proceedings or resolutions of the Board to the contrary'.

The proceedings of the meeting of the Select Committee held on 21st June, 1770, were duly placed by the President (Mr Cartier) before a meeting of the Council, Secret Department, on 27th June, 1770.[3] Moreover, the President, on

[1] I.e., point 2 on page 298 *ante*.

[2] I.e., the special Commissioners.

[3] See the Proceedings of the Council, Secret Department, Fort William, of 27th June, 1770; also the Secret Letter to the Court, dated at Fort William 8th September, 1770. In this letter the President and

behalf of both himself and his Select Committee, protested there against any attempt on the part of the Council to encroach on the province of the Committee as defined by the Court of Directors in its letter of 12th January, 1768. Mr Russell (a member of the Council) also considered any discussion of the powers of the Select Committee as 'foreign to the department of the Council after the nature of these powers' had been so clearly laid down by the Court in its letter of 12th January, 1768, which had since been in 'no way revoked directly or Indirectly'. The majority of the Council also agreed, on an inquiry made by the President, that the orders of the Court regarding the province of the Select Committee as conveyed by its letter of 12th January, 1768, had not till then been repealed. Nevertheless, when the question was put whether it did not evidently appear to be the 'meaning' of the Court of Directors by its General Letter by the *Lapwing*, that the Controllers of the Diwani revenues were to be appointed by the President and Council and were to be under their direction, the Council by a majority held that it was the 'meaning' of the Court of Directors that the Governor and Council 'should put into execution' its orders concerning the appointment of the Controllers of the Diwani revenues, and that the latter were 'to be under the direction of the Council.' [1] Thereupon, at a

Council reported the opinion of the Select Committee on their action in the following terms :—

'The Motion made and approved by the Board (i.e., the Council) to take into Consideration The Honble Company's orders on the subject of the Dewanny Revenue is an infringement of the Rights of the Select Committee and an Innovation subversive of the Powers delegated to that Board (i.e., the Committee) by the General Letter of January 1768. The Line there drawn is clear and Explicit. The Select Committee only have the power of taking Cognizance of orders which relate to the Revenues. The Board (here the Council) can neither deliberate upon nor execute any measures that may affect the Dewannee. And warning the Council not to pass the Line drawn between the two Departments Protest against the Board's (i.e., the Council's) Resolution for taking into consideration your Commands P. Lapwing; and what might be thought necessary for accomplishing those Commands............'

[1] It may be interesting to note in this connexion that the Council by a majority had previously also agreed on the following points :—

(*a*) That every member 'is responsible for the Execution of the

meeting held at Fort William on 28th June, 1770, the Select Committee declared that, in spite of what the Council had decided, it was by no means shaken in its views as set forth in the proceedings of its meeting held on 21st June, 1770, and that it considered the 'debates' of the Council as 'highly unconstitutional and tending to the subversion of good order in the government'. In view of the importance of the question, however, the Committee considered it necessary that every one of its members 'should enter his separate opinion' on it. It, therefore, resolved to communicate to Mr Richard Becher, Resident at the Durbar, and to Mr James Alexander, 'Supravisor' of Bihar,[1] all relevant extracts from its own proceedings as well as from the Company's letters, with a view to enabling them 'to form the clearest judgment on the question in debate' and to transmit to it their sentiments thereon. Accordingly, both Messrs Becher and Alexander were written to on 28th June, 1770, about the altercation between the Council and the Committee. On 6th July, 1770, however, the Council decided by a majority of four to three, the President (Mr John Cartier) and Messrs Floyer and Russell opposing,[2] 'that the plan of an Appointment of a

orders addressed by the Honble Court of Directors to the President and Council'.

(*b*) That such orders 'as the Honble the Company address to their President & Council are to be executed by the . . . . Council'.

(*c*) That the Council 'ought to act (consonant) to what appears to be the Intentions of the Honble Company'.

(*d*) That the Governor and Council 'are to execute the Orders of the Honble the Court of Directors addressed to them'.

(*e*) That all matters 'submitted to the judgment of this Board (i.e., the Council) are to be determined by the Majority of Voices'.

(*f*) That '*as the General Supravising Power is withdrawn from the Committee; the Council are in consequence vested therewith*'. (The italics are ours).

This last decision was an important consideration with the Council in determining its attitude towards the question then at issue.—See the Proceedings of the Council, Secret Department, Fort William, of 27th June, 1770.

[1] The two other members of the Committee.

[2] See Secret Consultation, Fort William, 6th July, 1770. Seven members of the Council were present at this Consultation.

What actually happened at this Consultation was as follows :—

The question raised before the Council was whether the Company's 'Intention expressed in the Paragraph of their Letter dated the

Council of Revenue at Muxadabad and Patna shall take place.' Further, taking into consideration the question of the actual appointment of a Council of Revenue at Moorshedabad and at Patna, the Council 'resolved that at the former place it should consist of four members two to be members of the Board & two Senior Servants. And that the Council at the latter place shall consist of three members one to be a member of the Board and the other two to be senior servants'. The following gentlemen were then appointed to compose the Council of Revenue at Moorshedabad :

'Mr Becher	1st
Mr Reed	2nd
Mr Lawrell	3rd
Mr Graham	4th '.

And the following gentlemen were appointed to compose the Council of Revenue at Patna :—

'Mr Alexander	1st
Mr Vansittart	2nd
Mr Palk	3rd '.

As the Council by a majority of votes rejected the point of view which the President had urged, he now suggested that 'the proposed appointment (of the Councils of Revenue) might be suspended or at least the Gentlemen so appointed might not immediately proceed to their different Departments'. Among the reasons he set forth in favour of his

30th June of having a Council of Revenue established at Muxadabad and Patna shall take place'.

Four members (Messrs Richard Barwell, Joseph Jekyll, Francis Hare and John Reed) were of opinion that 'it should take place'.

Mr Charles Floyer held, however, that the Councils of Revenue had been 'intended by the Company to be appointed by the Commissioners only And if any accident should happen to them the plan already adopted by the Select Committee should continue in force until the Orders of the Directors are known'.

Mr Claud Russell observed :—'I think that the subject in debate does not properly come before the Board—However as my opinion is asked I do not hesitate to declare that I think the Intentions of the Company should take place but that the measures ought to be adopted by the Select Committee & not by the Board (i.e., the Council).

The President (Mr John Cartier) remarked :

'I think that we ought not to adopt the measures until we are furnished with more ample Instructions from the Company'.

—*Ibid.*

suggestion, he said : 'In the first place . . . . the mode which the Company have recommended their Dewanny Revenues shall in future be conducted is intended to be carried into Execution by the Commissioners—those gentlemen are provided with the most full & ample powers & Instructions by the Honble Company and may I do suppose either approve the mode recommended or adopt any other as may appear to them tending more to the Advancement of the Company'.

Moreover, in regard to the presumption that some fatal accident had befallen the Commissioners, he said that nobody could say anything definitely about it. 'It is no uncommon thing', he observed, 'for a ship after having been considered as lost for months to have made her appearance when she was least expected to do so'. Besides, he showed how the immediate appointment of the Councils of Revenue might result in a loss of revenue to the Government. 'A change of the Government of the Durbar will be expected to produce a change of measures and while that expectation may continue the Zemindars will most undoubtedly withhold the payment of their kistbunds'.

Notwithstanding this, the Council agreed on 13th July, 1770, that the gentlemen appointed to compose the Councils of Revenue should be 'ordered to prepare themselves for the delivery of their present offices' by 1st August, 1770, and 'to take charge of these their several appointments by the 1st day of September next ensuing'.

At a meeting of the Select Committee, however, held on 19th July, 1770,[1] after the letters[2] from Mr Becher and Mr Alexander

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 19th July, 1770.

[2] Mr Becher had written to the Select Committee, among other things :—

'I hesitate not to declare that as far as I am furnished with lights to form a judgment on—I entirely concur in sentiment with you—Gentlemen—that the Council have no right to call in question the authority of the Select Committee plainly defined by the Court of Directors in their general Letter of the 12th January, 1768, unless the authority is circumscribed by later orders from home. By your proceedings it appears there are no later orders on this subject. I am therefore clearly of opinion those above mentioned should be strictly

on the question of dispute between the Council and the Committee, had been read—both of them had expressed their concurrence in the views of the Committee—and after the President had delivered a minute stating what had actually happened in the Council, the Committee unanimously held that 'the late proceedings of the Council in their Secret Department should *be opposed and discountenanced with all the authority of this Board* (i.e., the Committee itself)[1]'. The Committee also resolved that the Resident at the Durbar and the 'Supravisor' of Bihar (i.e., Mr Becher and Mr Alexander) should be informed that it was its determination to abide by and uphold the resolutions it had previously adopted on 21st June, 1770, and that it was its intention 'after the assembly of the Council'[2] to direct the Councils of Revenue[3] to pay the same implicit obedience to its orders as it then expected from the Resident and the Supravisor.

adhered to and that there is no power lodged with the Council to controvert or diminish the power therein delegated to the Committee which can be done only by the Court of Directors or the Commissioners to whom they have been pleased to delegate full authority. . . . The Lapwing's letter (of 30th June, 1769) containing directions on the subject of the Dewanny Revenues is no pretence for supposing our Masters designed to abridge the power of the Committee'.—From Mr Richard Becher's Letter to the Select Committee at Fort William, dated at 'Moidepur' (Moorshedabad) 3rd July, 1770.

Mr James Alexander also had written in his letter, dated at Patna 8th July, 1770 :—

'Whatever arguments might be drawn from the Lapwing's letters (*sic*) are surely overthrown by that per *Houghton* (i.e., the Company's General Letter to Bengal, of 15th September, 1769) wherein the Court of Directors mention to the Commissioners to Consult the Committee on material points of government—this not only fully implies the Existence of a Committee but supposes them presiding as usual over the department of revenue and negociations (*sic*) with the country powers for in what else could their advice be necessary or what other powers have they distinct from the Council? The powers of the Council and Committee being by the Express orders of the Court of Directors so fully delineated I am of opinion no alteration can take place till the present orders are revoked or the arrival of the Commissioners and that the Select Committee cannot till then give up the powers with which they are invested consistently with the trust reposed in them and without a tacit acknowledgment of their own deficiency in Zeal, honour and abilities'.—Proceedings, Select Committee, Fort William, 19th July, 1770. (The italic is ours).

[1] The italics are ours. [2] I.e., the Council at Moorshedabad and at Patna.

[3] This is clear from the contents of the Select Committee's letters to Mr Richard Becher and to Mr James Alexander, dated at Fort William 19th July, 1770.—See page 306 *post*.

The Committee then ordered letters to be prepared and dispatched accordingly.

The following letter[1] was written to Mr Richard Becher, Resident at the Durbar:—

'Sir,

Since we transmitted you a copy of our proceedings and resolutions relating to the arraignment of our powers by the Council in their Secret Department they have proceeded to constitute Councils of Revenue at Moorshedabad and Patna.

'We are now to inform you that this circumstance has in no respect shaken our first determination to maintain the authority of this Board as far as our abilities extend without regard to any acts or proceedings of the Council in prejudice thereof—and it is our intention after the assembly of the Council to direct that they pay the same implicit obedience to the orders of this Committee as we now expect from you.

FORT WILLIAM We are . . . . '.
19th July, 1770.

A similar letter was written to Mr James Alexander, Chief of Patna, on the same day.

The Court informed of the Controversy.

In a General Letter by the *Lapwing*, dated at Fort William 31st August, 1770, the Select Committee informed the Court of Directors of the controversy between the Council and itself. Among other things, it stated therein: 'It is not without the Deapest (*sic*) concern we have to acquaint you with an impeachment of the powers of the Select Committee by the Council which has given rise to much contest between the two Boards'.[2]

[1] See Proceedings, Select Committee, Fort William, 19th July, 1770.

[2] I.e., between the Council and the Select Committee.
The Select Committee further stated in the same letter:—
'We cannot however avoid remarking with particular satisfaction that our sentiments are confirmed by those of our absent members and that we have done everything, that Regard to our own characters and the Duty we owe to you Could in our Conception warrant us to uphold & maintain the authority with which you have been pleased to vest your Select Committee.
'On a slight view of the Debates on this occasion the Delicate situation of the Committee will doubtless occur to you, as their

In a Secret (Department) Letter, dated at Fort William 8th September, 1770, the Council, too, wrote to the Court about the dispute between the Committee and itself, mentioning everything in detail. It stated: 'We need only observe to you we have confined ourselves merely to the execution of your positive orders to us by the Lapwing, and that in no respect whatever have we interfered in the Province of the Select Committee—We have said *that a General Supravising Power is certainly placed in the Council, because the General Supravising Power conferred on Lord Clive and the Select Committee is expressly withdrawn.*[1] Your administration here cannot act without a Supravising Power being placed somewhere in the Government'. Continuing, the Council said: 'We absolutely disavow the Intentions attributed to us to annull the authority of the Select Committee or to Dispute about the Powers of the Board and We flatter ourselves our Proceedings will Justify us to you, and evince that We do not merit the Unkind Aspersion. It was not till the last Necessity as you may easily discern that we opposed the known Sense of the Gentlemen of the Select Committee. The Commissioners You had appointed not arriving reduced us to this Dilemma: Either to risk your displeasure by continuing in appearance to adopt the Sentiments of the Committee, or to draw upon ourselves what we have incurred by an attempt to execute your orders for the better regulating the Collections of the Dewannee. It is needless to acquaint you with what Reluctance We gave umbrage to the Gentlemen of the Select

Powers tho' clearly defined by you, may now be arraigned & counteracted at Pleasure by a majority of the Board; we therefore flatter ourselves it is unnecessary to urge the necessity of your explicit sentiments on the subject of the Contest in question, & how far the Line drawn by you in January 1768 stands in force or renders the Committee independent of the Council for until then there can be no stability of measures and circumstances may arise when an undetermined authority may be attended with serious consequences to your affairs . . . . . .'.

In a subsequent General Letter, dated at Fort William 24th December, 1770, the Committee wrote to the Court (apparently in sorrow):

'We have no longer the Honour of conducting your Revenue This is a charge usurped by the Board (i.e., the Council)'.

[1] The italics are ours.

Committee or how very little we have been inclined to contend for power . . . .' The Council also complained to the Court that the proceedings of the Select Committee were not laid before it for approval but only for the information of its several members, and that when it was noticed 'how long a space of Time' elapsed from the day on which the Select Committee would adopt a resolution to the day on which it would present it to the Council, it would be evident that few or none of its measures could have the concurrence of the Council[1].

Further, both the Committee and the Council referred the Court of Directors to their relevant Proceedings.

It is clear from the above that the Council executed the orders of the Court regarding the institution of the Controlling Councils of Revenue at Moorshedabad and Patna, in the exercise of 'the General Supravising (or Superintending) Power' restored to it by the Court of Directors by its General Letter to Bengal, of 12th January, 1768.[2] As we have stated before,[3] the Council had been eclipsed by the Select Committee for some time; but now it reasserted its superintending power. This naturally caused resentment among the members of the Select Committee. But, apart from the question of the general 'Supravising' power having been restored to the Council by the Company's General Letter to Bengal, of 12th January, 1768, it is difficult to say, regard being had to the contents of this letter, that the Select Committee had no case so far as the institution of the Controlling Councils of Revenue was concerned.

The Court of Directors to which, as shown before,[4] both the Council and the Select Committee had referred the question of disputes between themselves, stated its views thereon in two

[1] In regard to this matter the Council further wrote :—' We are under a necessity of mentioning this circumstance that we may not be deem'd deserving of your censure for acts in which we do not participate and for measures we do not approve. Our silence on this subject has proceeded from our desire to avoid debate & the impossibility of Rejecting what has been done '.—Secret Letter to Court, dated at Fort William, 8th September, 1770.

[2] See pages 289-291 *ante*. [3] See page 285 *ante*.

[4] See pages 306-307 *ante* and the text above.

consecutive letters. In the first letter, dated 10th April, 1771, it wrote to the President and Council at Fort William that it was concerned[1] to find that disputes between its Council and Select Committee had 'occasioned an extraordinary waste of time, and answered no salutary purpose whatever'. It also 'positively' directed that all measures which it had till then recommended to the consideration of the Governor and Council should 'with all convenient dispatch' be 'decided upon, according to the opinion of the majority of the Council'; that all 'orders conveyed through that channel be enforced immediately' and 'carried into effectual execution'; and that, particularly, the appointment of the Councils of Revenue at Moorshedabad and Patna 'for the better management of the collections', as settled by the President and Council in their Secret Department, should 'immediately take place.' 'And in order to prevent delay of business', the Court continued, 'or inconvenience to our affairs by any misapprehension or undue application of the powers, which it is our pleasure should be vested in our President & Council or Select Committee respectively, we have thought proper, and do hereby direct, that our Select Committee do regard those objects only, as peculiar to their department, which are particularly specified in our letter, dated 23rd March 1770, Para 180,[2] to which You are hereby referred. And our further pleasure is, that all other business be

[1] The Court prefaced its remarks with the following words:—
'We however must here observe that notwithstanding the critical circumstances of your presidency must have rendered the exertion of your utmost abilities, and the firmest union in your Councils absolutely necessary, and although the greatest circumspection became your duty, in order to preserve that dignity to your Government, which alone could procure you a proper degree of consequence both in the eyes of friends & enemies, yet we are concerned, etc. . . . . '—See the General Letter from Europe, dated 10th April, 1771, para. 155.

[2] (See the next page). The Court repeated this direction in its letter of 25th April, 1771. It stated therein: 'And we do hereby further appoint, that Our Governor of Bengal, the Commander in Chief for the time being, and the three Senior Members of our above-mentioned Council, be a select (*sic*) Committee, with the like Powers, and under the same Regulations, as are established by the 180th Paragraph of our General Letter, dated the 23rd March 1770'.—See the Company's additional General Letter to Bengal, dated 25th April, 1771, and received by the *Colebrook(e)* on 30th January, 1772.

conducted by our President & Council, in their publick or secret Department, as the case may require, until a deviation from these our Orders & Instructions may be warranted by our express authority, and not otherwise '.[1]

(By paragraph 180 of the Court's General Letter to Bengal, dated 23rd March,[2] 1770, referred to above, the Select Committee constituted thereunder, had been empowered to make regulations respecting peace and war, and to '*negotiate with the Country Powers, but not finally to conclude any Treaty, until the terms and conditions of such Treaty shall have been first approved by our Governor and Council'* [3]. The said paragraph had also provided: 'The Governor singly shall correspond with the Country Powers; but all Letters, before they shall be by him sent, must be communicated to the other Members of the Select Committee, & receive their approbation, and also all Letters whatever, which may be received by the Governor in answer to, or in the course of his Correspondence, shall likewise be laid before the said Select Committee for their information & consideration, and all their proceedings & correspondence must be regularly entered on their Consultations, and sent home in Duplicate'.)

[1] Thus we find the President and Council at Fort William writing to Mr Thomas Mostyn, Resident at Poonah, on 22nd April, 1773 :—

'The letter which you wrote us of (on ?) the 26th February last only came to hand yesterday............ It being addressed to the President and Council at large was received by us accordingly but as *there is in this Presidency a Select Committee formed on purpose for the immediate management of political affairs consisting of the President, the Commander in Chief and the three senior members of Council* we desire that you may henceforward correspond directly with them and follow their directions as to the objects of your enquiry & information'. (The italics are ours.)

Vide Secret Consultation, Fort William, 22nd April, 1773.

And we also find that, at a Secret Consultation held at Fort William on 20th December, 1771, the Council had adopted the following resolution by a majority, Messrs Reed and Jekyll dissenting :—

'It is the Opinion of the Majority that all Paragraphs (in the Company's General Letter of 10th April, 1771) relative to political matters are intended by the Court of Directors to be referred to the Select Committee'.

[2] Received here on 31st October, 1770, by the *Mansfield*.

[3] The italics are ours.

Select Committee punished.

And in the second letter[1] referred to before, which was dated 25th April, 1771, the Court observed that it had, since closing its letter of 10th April,[2] 1771, more fully considered the conduct of its 'Governor and Council and Select Committee at Bengal'; and that it entirely disapproved of the opposition given by the Select Committee to a measure (i.e., the plan of reformation in the collection of Diwani revenues alluded to before [3]), which had been 'positively order'd by the Court of Directors, and for the speedy accomplishment whereof' the *Lapwing* Packet had been 'dispatched express' to the Presidency of Fort William. And as, it also held, so alarming a disunion amongst its servants might be attended with consequences of a very serious nature, it could 'not omit the present opportunity, of testifying' its displeasure against those persons who had opposed the execution of its orders. 'It is therefore our pleasure', the Court further observed, 'and we do hereby direct, that Mr Becher be dismiss'd[4] from our Council at Bengal, & that Mr Claud Russell & Mr Chas Floyer be immediately removed from our service in Bengal; and that they do return to Madras with all convenient dispatch where they are to take rank, in those stations, which they would have now held in the Company's service respectively, in case they had remained until this time, without interruption,[5] on the Fort St. George Establishment'. As regards Mr Cartier who was the President and Governor of Fort William during the

[1] See the Company's additional General Letter to the President and Council of Fort William in Bengal, dated 25th April, 1771. It was received by the *Colebrooke* on 30th January, 1772.

[2] See pages 309–10 *ante*.

[3] See pages 293–94 *ante*.

[4] The Company's additional General Letter to Bengal, dated 25th April, 1771, which conveyed this order, was received here by the *Colebrooke* on 30th January, 1772. On 15th January, 1771, however, Mr Becher had resigned his office and taken his passage on the *Europa*. (See the General Letter to Court, dated at Fort William 15th January, 1771). It may be interesting to note here that he had been nominated by the Court 'to succeed Mr Cartier in the station of President and Governor of Bengal'.—See the General Letter to Court, dated at Fort William 1st November, 1770; also see Firminger, *Fifth Report on East India Affairs*, Vol. I, Introduction, p. ccii.

[5] See pages 199–206 *ante*.

controversy between the Council and the Select Committee there, the Court said in the same letter[1] :—

'We are truly sorry, after having entertained the highest opinion of the Abilities and good Conduct of our President Mr Cartier, that he should in any shape incur our Displeasure, but we cannot pass over his late Conduct, in joining a resolution to retard the execution of our Orders,[2] which if they had been vigorously enforced, would, we cannot doubt, have tended so much to the public Welfare, and reflected honour on every individual who might have had the execution of them. We therefore direct, that Mr Cartier do continue in the Government of our Presidency of Fort William, till the departure of the last Ship of the season for Europe, after the arrival of Mr Hastings in Bengal; on or before which time it is our pleasure that Mr Cartier do resign that Government to Mr Hastings'.

Thus the Court of Directors upheld the contention of the Council as against that of the Select Committee.

The Select Committee with its powers[3] defined by the Court as shown in the foregoing pages, continued to function

[1] Para. 10. [2] See pages 293–94 *ante*.

[3] Hastings who had become Governor of Bengal with effect from the 13th of April, 1772, appears not to have been satisfied with these newly defined powers of the Select Committee. In a letter, dated at Fort William 7th March, 1773, to which reference has once been made before (see page 145, foot-note 4), he wrote to Sir George Colebrooke, among other things :—

'By the constitution of the Company, the Council at large have the supreme authority in all matters which either come in the course of office before their notice, or of which they choose to take cognizance . . . . . the powers of the select committee are confined to so narrow a compass, that in effect they are next to nothing, and only serve to embarrass and multiply business'.

'If you will', continuing, he observed, 'give yourself the trouble to turn over the proceedings of this committee since I have been a member of it, you will find that not one event or measure of consequence is recorded in them, which was not communicated to the board for their decision upon it'.

He, therefore, suggested :—

'1. The select committee shall have the power of making peace or war, and of determining all measures respecting both, independent of the Council at large. But they shall enter into no treaty of alliance, whether offensive or defensive for a longer duration than two years, without a special authority from the Honourable the Court of Directors. Every such treaty shall be communicated to the Council

till October, 1774, i.e., practically till the introduction of the new system of Government constituted under what is popularly known as Lord North's Regulating Act of 1773.

at large, as soon as it conveniently may be, that their opinion upon it may be transmitted with it to the Court of Directors.

2. It shall nevertheless be allowable for the president to bring any matter before the Council at large, although included within the above limitations, and the decision of the Council thereon shall be valid and binding on the select committee. But no other member of the committee shall be allowed the same privilege'.

And in his letter to the Court of Directors, dated at Fort William 11th November, 1773, also, he made identical suggestions.

Nothing, however, seems to have come out of these suggestions, and a new system of government was set up in Bengal in October, 1774, under the Regulating Act of 1773.

For the two letters referred to in this foot-note see Gleig, *Memoirs of Warren Hastings*, Vol. I, pp. 288–293 and also pp. 366–376.

Also see, for the second letter referred to in this foot-note, the Fifth Report from the Committee of Secrecy appointed (by the House of Commons) to enquire into the causes of the War in the Carnatic, etc., 1782, App. 5.

CHAPTER V

CIVIL SERVICE [1]

We shall deal in this and the following Chapter with the position, powers and the privileges of the civil servants of the Company in Bengal as these were chiefly during the period falling within the scope of this volume.

Apart from the Governor and the rest of the members of the Council at Fort William other than the member or members (if any) thereof appointed from its army, the civil servants of the Company in Bengal were classified as writers, factors, junior merchants and senior merchants.[2] Thus, strictly speaking, there were altogether six grades of civil servants in Bengal. This was also the case in

[1] This together with the contents of the succeeding Chapter was originally published in *Bengal: Past and Present* of January—June, 1938, and July—December, 1938 (Vol. LV, Parts I—IV, Serial Nos. 109-112).

[2] See the First Report of the Select Committee of the House of Commons on the "Nature, State and Condition of the East India Company," etc., (to be referred to hereinafter as the Commons' Report, 1st), dated 26th May, 1772, Appendix 1; also the Ninth Report, Select Committee, House of Commons, 1783; also Bolts, *Considerations on India Affairs*, 1772, Ch. X; also Gleig, *Memoirs of Warren Hastings*, Vol. I, 1841, p. 24. According to Sir William Foster, the term 'writers' first appeared in 1645. This class of servants was appointed by the Company to do 'routine work—copying letters, making out bills of lading, and so forth—which the senior men (in its service) objected to undertake'. (See his *John Company*, 1926, p. 211). He has also said (*ibid*, pp. 211-12) :—

'A still junior class was established soon after the Restoration, when the home authorities commenced to send out boys (chiefly from Christ's Hospital, which, unlike most public schools, provided a commercial training) as 'apprentices', finding them board and lodging, with a small allowance for clothes . . . . . . in December, 1675, it was decided that 'apprentices', when their period of service was completed, should become 'writers'; 'writers' were to be promoted after a time to be 'factors'; 'factors' might hope to become 'merchants'; and these were to blossom in due course into 'senior merchants'. The engagement of 'apprentices' appears to have ceased in 1694, youths being thenceforth appointed direct to the 'writer' grade. The remaining four classes lingered on until 1839—five years after the Company had ceased to be a trading body.'

—For further details in this connexion, see Foster, Sir William, *John Company*, pp. 210-13.

Also see foot-note 2 on page 315 *post*.

Madras and Bombay. A civil servant would ordinarily come out to India and begin his career here as a writer, *generally* at the age of sixteen. He would serve the Company in that capacity for five years. Then he would be appointed a factor and remain in that capacity for three[1] years. He would next gradually rise to the position of a junior merchant, a senior merchant, a Councillor and even, in some cases, of Governor.[2] As a junior merchant he would

[1] This appears to have been the general practice. As will be clear, however, from the following extract from the Company's General Letter to Bengal, dated 25th March, 1772, if any person *first* came out to India as a factor, he would be required to serve the Company for five years in that capacity :—

'It being the constant rule of the Service for Persons to serve five Years in the stations they go out in, and is also one of the stipulations in their covenants. It is therefore our pleasure that Mr Charles Fleetwood do serve Five Years as a Factor '.

[2] The Commons' Report, 1st, 1772, Appendix 1; also the Ninth Report, Select Committee, House of Commons, 1783; also Bolts, *Considerations on India Affairs*, 1772, Ch. X ; also Gleig, *Memoirs of Warren Hastings*, Vol. I, 1841, p. 24.

We may note here what Gleig has stated in this connexion :—

' With respect, again, to the remainder (i.e., excluding the President and Councillors) of the Company's servants, they were divided into four classes, namely, writers, factors, junior merchants, and senior merchants. The writer found employment in managing the details of business, in superintending the warehouses, and keeping accounts. At the end of five years he became a factor, when similar pursuits, though on a more extensive scale, occupied him ; three years more saw him advanced to the rank of junior merchant, whence, after another period of three years, he passed into the order of senior merchants. From this latter class were chosen all members of Council, heads of factories, and, indeed, persons whom it was judged expedient to employ in affairs of government : while the president's chair itself was open to their ambition, provided a vacancy should occur, and the home authorities omit to fill it '.—See his *Memoirs of Warren Hastings*, Vol. I, 1841, p. 24. Also see James Mill, *History of British India*, Vol. III, 1848, p. 23.

Ilbert has stated (*The Government of India*, 1916, p. 42), in connexion with the question of the constitution of the Company in 1773 :—

' The civil and military servants of the Company were classified, beginning from the lowest rank, as writers, factors, senior factors and merchants '.

The insertion of the word ' military ' appears to have been an error. Nor do we find the expression ' senior factors ' in Parliamentary Reports referred to in foot-note 2 on page 314. We find, however, a mention of a class of the Company's servants so called, in Dr John Fryer's *New Account of East India and Persia : Being Nine Years' Travels*, 1672–1681, Vol. I, London, 1909, p. 216. Also see page 318, foot-note 2, *post*.

be required to serve the Company also for three years. Thus the writer belonged to the lowest, and the Governor to the highest rank, in the civil service. Subject to what we have stated before[1] in another connexion, promotion to a higher rank in the service would ordinarily be based on the principle of seniority[2] in service. The original appointment of a young man as a writer would be made by the Court of Directors on a petition[3] submitted by him. And 'on such petition being considered and granted by the Board of Directors', writes Mr William Bolts,[4] 'they[5] tender to the young candidate a long printed indenture to sign, as drawn up by their own lawyers, wherein, among many other articles, the youth is made to sign to certain agreements and conditions between the Company and himself'. Thus every writer had to enter into a covenant or indenture on his appointment by the Court.

[1] See pages 197-99 *ante*.

[2] We may note in this connexion the following instruction of the Court :—

'We . . . leave it to you (i.e., the Governor and Council at Fort William) to employ Our Covenant Servants in such Places for such times and in general in Such a manner as according to the best of your Judgment will be most for the Interest of the Company having a strict regard to their Qualifications for their present employs and their being in the way of gaining experience to fill the Superior Stations they may gradually advance to, with ability and Reputation, You are to observe however that this general Direction is *not intended to break into the Equitable Rule of promoting Our Servants according to Seniority in the service, when there is no reasonable objection to the contrary*. (The italics are ours).—From the Company's General Letter to Bengal, dated 25th March, 1757, para. 98.

[3] Thus we find Warren Hastings petitioning to the Court of Directors :—

'The humble Petition of Warren Hastings aged Sixteen Years & upwards,

Sheweth

That your Petitioner has been bred up to Writing & Accounts, & being very desirous of serving your Honours as a Writer in India

He therefore humbly prays your Honours will please to entertain him in that Station, which he promises to discharge with the greatest Diligence & Fidelity, & is ready to give such security as your Honours shall require.

And your Petitioner (as in Duty bound) shall ever pray'.

—See the facsimile of the Petition of Warren Hastings in Foster, *John Company*, 1926, against p. 220.

[4] *Considerations on India Affairs*, 1772, p. 112.

[5] I.e., the Court (Board) of Directors.

It might be mentioned here that, according to a Parliamentary Report[1], three covenants were issued by the Court of Directors between 1756 and 1772. The first covenant was in force from 1756 to July, 1770. It was supplemented by a second covenant issued in May, 1764. A third covenant obviously superseding the first one, although embodying it in essence, was issued in July, 1770. Both the second and the third covenant were in force at the time of the submission of the Report[2] referred to above to the House of Commons.[3] Thus a writer would be bound by the terms of the first covenant between 1756 and May, 1764; by those of the first and the second between May, 1764, and July, 1770: and by those of the second and the third, between July, 1770, and May, 1772.[4]

Both the first and the third covenant (or indenture) were very long documents and contained many conditions of service. The second covenant was comparatively short, and supplemented, as we shall shortly see, the first covenant in one important respect. We shall notice here, for considerations of space, only such of the terms of the covenants as were of a material character.

We shall first briefly deal with what we have termed the first covenant, which, as noted above,[5] was in essence embodied in the third one. It[6] stated, among other things:—

'Whereas the . . . . United Company of Merchants of

[1] The Commons' Report, First, 26th May, 1772, Appendix 1.

[2] The Report was dated 26th May, 1772.

[3] And certainly afterwards. As the Parliamentary Report in question was itself dated 26th May, 1772, it could not say anything in regard to the continuance of the covenants beyond that date.

[4] And certainly afterwards. See foot-note 3 above. Also see Monckton Jones, *Warren Hastings in Bengal*, 1772–74, pp. 74–75, in this connexion.

'Thus', says this writer, 'from 1756 to 1764 only the first would be in use; from 1764 to 1770 the first and second; and from 1770 to 1772 the second and third only, the third superseding the first. Beyond that date the evidence does not go, as the House of Commons inquiry was held in that year'.

Also see the Court's Letter to the President and Select Committee at Fort William, dated 17th May, 1766, para. 25.

[5] See the text above.

[6] It began as follows:—

'This Indenture, made the . . . . . . Day of . . . . . . in the

England, trading to the East Indies, have (*upon the special Request and Entreaty of* . . . . . A. B. and upon the Conditions and Agreements hereinafter contained, on the part of the said A. B. to be performed) received and entertained him the said A. B. into their Service, as their *Writer and Covenant Servant*,[1] at their chief Settlement of Fort William in Bengal in the East Indies, to serve them *for the Term of Five Years*, and to be employed in all or any of the Traffic or Merchandizes, Businesses, and Affairs, in any Place or Places whatsoever, between the Cape of Good Hope, and the Straits of Magellan, as the said Company, or their Court of Directors for the Time being, or any Thirteen or more of them, or any by them authorized, shall appoint, at and for the Wages or Sum of *Five*[2] *Pounds of lawful Money of Great Britain, by*

Year of our Lord One thousand Seven hundred and . . . . . . and in the Reign of our Sovereign Lord . . . . . . by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth ; Between the United Company of Merchants of England, trading to the East Indies, of the one Part, and A. B. of London, Writer, of the other Part '.—From the Commons' Report, First, 26th May, 1772, Appendix 1.

[1] The italics in this quotation are ours.

[2] It seems that the pay of the writer was a little higher in the second half of the 17th century. This will appear from the following extract from Dr John Fryer's fascinating account of the Company's Establishment at Surat in the seventies of the 17th century :—

' The whole Mass of the Company's Servants may be comprehended in these Classes, viz. Merchants, Factors, and Writers ; some Blewcoat Boys also have been entertained under Notion of Apprentices for Seven Years, which being expired, if they can get Security, they are capable of Employments. The Writers are obliged to serve Five Years for 10 *l. per Ann.* giving in Bond of 500 *l.* for good Behaviour, all which time they serve under some of the forementioned Offices (*sic*) : After which they commence Factors, and rise to Preferment and Trust, according to Seniority or Favour, and therefore have a 1000 *l.* Bond exacted from them, and have their Salary augmented to 20 *l. per Ann.* for Three Years, then entring (*sic*) into new Indentures, are made Senior Factors ; and lastly, Merchants after Three Years more ; out of whom are chose Chiefs of Factories, as Places fall, and are allowed 40 *l. per Ann.* during their stay in the Company's service, besides Lodgings and Victuals at the Company's Charges '*.—See John Fryer, *A New Account of East India and Persia : Being Nine Years' Travels*, 1672–1681, Edited by William Crooke, London, 1909 (Hakluyt Society), Vol. I, p. 216.

* (According to Prof. Ramsay Muir (*The Making of British India*, 1756–1858, Ed. 1923, p. 19 and pp. 23–24), the extract quoted above describes the state of affairs in a typical factory of the Company *as it was in 1696*. This view does not seem to be a very accurate one.

the Year,[1] to commence from the Time of his Arrival at Fort William aforesaid. Now this Indenture witnesseth, That the said A. B. for himself, his Heirs, Executors, and Administrators,[2] doth hereby covenant and agree, to and with the said United Company of Merchants of England, trading to the East Indies, and their Successors, in Manner and Form following . . . .

'That he the said A. B from the Time of his Arrival at Fort William . . . . for, and during, and unto the full End and Expiration of Five Years, shall faithfully, honestly, diligently, and carefully, serve the said Company at such Place and Places, and in all and every such Affairs and Businesses whatsoever of the . . . . Company, as the said A. B. shall be employed in; and shall also from Time to Time, and at all times, observe, keep, and fulfil, all and every the Orders of the . . . . Company, and of the . . . . Court

The state of affairs described in the extract might or might not apply to the year 1696. That is not the point here. The extract in question describes the position at Surat in the *seventies* of the 17th century. It occurs in Dr John Fryer's Second Letter, dated at Surat 15th January, 1674–5, and his book in which the letter has been embodied is entitled *A New Account of East India and Persia: Being Nine Years' Travels, 1672–1681*. The extract, therefore, cannot obviously apply to the year 1696.—See John Fryer, *A New Account of East India and Persia*, etc., Vol. 1, 1909, p. xix and pp. 157–227).

Colonel Henry Yule also says that about the year 1681 the salary of a factor in Bengal 'was . . . . from £20 to £40, and that of a writer £10 a year'. 'But', he adds, 'it is impossible to say what the real incomes of any of these ranks were. Besides the privilege of private trading, much was made up from the allowances, for a variety of purposes, granted from the public funds'.—See *The Diary of William Hedges, Esq., During His Agency in Bengal; as well as on his Voyage out and Return overland* (1681–1687): *Illustrated, etc.*, by Colonel Henry Yule, Vol. II, London, 1888 (Hakluyt Society), pp. ix–xi; also C. R. Wilson, *The Early Annals of the English in Bengal*, Vol. I, 1895, pp. 62–63.

[1] The italics are ours.

It may be noted here that, apart from their salaries, the servants of the Company used to obtain certain allowances from the Company. Thus the total remuneration of a writer, as will appear from the following extract, was 400 current rupees per annum:—

'We do hereby direct that the future appointment to a writer for salary Diet money & all allowances whatever be 400 Current Rupees per annum'.—From the Company's General Letter to Bengal, dated 3rd March, 1758, para. 131.

The total remuneration paid to the other ranks of the Company's servants was proportionately higher.

[2] This expression occurs again and again in the Indenture.

of Directors, made and to be made, for the Government of their Factories and Settlements, Officers, Agents, or Servants abroad; and shall and will also observe, keep, and fulfil, all such Orders, Instructions, and Directions, which he shall herewith or heareafter receive under the Seal of the . . . . Company, or from the . . . . Court of Directors . . . . or any Thirteen or more of them, or from any Persons authorized thereunto by such Directors; and shall and will, to the utmost of his Power and Skill, resist and withstand all and every such Person or Persons, as shall break or endeavour to break, the said Orders, Instructions, or Directions, or any of them, and the said A. B. doth . . . . covenant and agree . . . . that he will not do, attempt, or practise, nor shall wittingly or willingly permit or suffer any other Person or Persons whatsoever, to do, attempt, or practise, any Matter or Thing whatsoever, to the Hindrance, Hurt, Prejudice, Damage, or defrauding of the . . . . Company or their Successors, or of their Servants; or any of them, or of the . . . . Company's Goods, Merchandizes, Trade, or Traffick, or any of them, or any Part thereof; but shall, as much as in him lies, prevent and defeat the same. And the said A. B. doth hereby . . . . covenant and agree . . . . that he . . . . shall and will, from Time to Time, and at all Times from henceforth, give Notice and Intelligence, with all convenient speed, unto the said Court of Directors for the Time being, of all and every the Deceits, Wrongs, Abuses, Breach of Orders, Inconveniences, and Hindrances, which he . . . . shall know, understand, hear, or suspect to be done, practised, offered, or intended, against the . . . . Company, or their Successors, or their Goods or Trade, or any of them, or against any Person or Persons by them or by the . . . . Court of Directors employed, or in their Service, in any Place or Places, together with the Names of those Persons by whom the same shall be so offered, practised, or intended . . . . that he will not engage or employ, either the Stock of the . . . . Company, or any Part thereof, or make use of the Credit of the . . . . Company, in any kind, or other Way and Manner howsoever, than for the

Affairs of the . . . . Company, and as by the major Part of the Court of Directors . . . . shall be ordered and directed . . . . that he . . . . shall and will, at all Times, keep and conceal the . . . . Company's Secrets, and every Matter and Thing committed to him as such by the . . . Court of Directors, or their Agents, Factors, Officers, and Servants, or any of them . . . . that he . . . . shall and will . . . . . during his . . . . . Employment, keep or cause to be kept, a true and particular Journal o Day Book, of all Passages and Proceedings relating to the Affairs of the . . . . Company, and also Books of Accounts ; in which Journal, Day Book, and Books of Accounts, he shall daily, duly, truly, and fully, enter, or cause to be entered, the Accounts of all and every particular Buying, Selling, Receipts, Payments, Barterings, and all other Transactions and occurrences relating to his Trust, during the Time he shall continue in the . . . . Company's Service and Employment . . . . that he will not place, or consent to the placing, to the . . . . Company's Account, nor otherwise charge the . . . . Company with any more or greater Sums than he shall really, and in good Faith, pay for all or any Goods, Merchandizes, or Effects, which he shall buy, or cause, procure, or consent to be bought, for, or on Account of, the . . . . Company . . . . that he shall and will bring to the account of the . . . . Company, in the Books of the . . . . Company, the full Rates and Prices for which he shall sell, or cause to be sold, any of the . . . . Company's Goods, Merchandizes, or Effects . . . . that he will not directly or indirectly, take, accept, or receive, or agree to take, accept, or receive, any Gift, Reward, Gratuity, Allowance, Compensation, Sum or Sums of Money whatsoever, from any Person or Persons, of whom he the said A. B. shall, by himself, or any Agent for him, buy or barter any Goods, Merchandizes, Treasure, or Effects, for, or upon Account of, the said Company ; and further, that he will not take, accept, or receive, or agree to take, accept or receive, any Gift, Reward, Gratuity, Allowance, Compensation, Sum or Sums of Money whatsoever, from any Person or Persons to whom he the said A. B.

shall, directly or indirectly, by himself, or any Agent for him, sell or barter any goods, Merchandizes, Treasure, or Effects, of or belonging to, or for, or upon account of, the said Company . . . . that he . . . . shall and will (before he shall leave the said Company's Factories or Settlements) pay and discharge all and every such Sum or Sums of Money as he shall justly owe, or be indebted to any of the black Merchants or Natives of the Country where the said A. B. shall be, together with such other Sums as he shall owe abroad to any other Merchants or Persons not being Subjects of his Majesty the King of Great Britain, or his Successors; . . . . that he . . . . shall and will, from Time to Time, when and as often as he shall be thereunto required by the . . . . Company, or their Successors, or by the President, Agent, or Chief, and Council, of the Place where the said A. B. shall be, remove to any such other Factories, as such President, Agent, or Chief, and Council shall so direct or require . . . . that he . . . . shall, at all Times, during the Time of his Service aforesaid, faithfully & diligently demean himself as a good, honest, and faithful, Servant towards the . . . . Company, and their Successors, and those by them authorized, and lovingly and peaceably towards his consorts' (*sic*).[1] Further, the covenant stated: 'And upon Condition, that the said A. B. shall in all Things perform his Covenants and Agreements with the said Company. . . . and to encourage him so to do, It is further Covenanted and agreed, by and between the said Parties to these Presents, *That it shall and may be lawful to and for the said A. B.*[2] and the said Company doth accordingly license the said A. B. during the said Five Years, commencing as aforesaid, *freely to trade and traffic*,[3] for his own Account only, from Port to Port in India, or elsewhere, within the Limits aforesaid,[4] but not to or from any Place without the

[1] The words from 'and lovingly' etc., . . . to 'consorts' do not occur in the third covenant referred to before.

[2] The italics are ours. [3] The italics are ours.

[4] We may also note here the following specific directions of the Court of Directors :—

'The Companys Servants upon the Establishment of the West

same, without any Lett, Hindrance, or Interruption, from them the said Company, their Successors or Assigns, so as the said Trade and Traffic, so to be carried on and driven in India or elsewhere, within the Limits aforesaid, or any Part thereof, be subject to such Rules, Regulations, and Limitations, as the said Company, or the Court of Directors . . . . have already directed, or shall from Time to Time hereafter direct and appoint, and be not to the Hurt or Prejudice of the said Company and their Successors, or of their Trade or Commerce; and so as whatever is so traded for by the said A. B. by Virtue of this Agreement, be particularly entered in Books of the said Company, to be kept for that purpose in all the Factories of the said Company respectively in the East Indies, or elsewhere within the Limits aforesaid, where such Trade shall be driven'.

Moreover, with a view to protecting the people of this country against oppression, the covenant provided for the following safeguard :—

'And forasmuch as grievous Complaints have been made to the.........Company, that several of the......... Company's Presidents and Chiefs of their Factories, and several of such Persons as are of their Councils in their Factories, or some of them, as also their Factors, Agents, and Servants, have committed very heinous and grievous offences in such Factories of the . . . . Company, and elsewhere in the East Indies, and other Places within the said Company's Limits of Trade, by unjustly menacing, imprisoning, assaulting, abusing, and evil treating, the Natives and

Coast of Sumatra and all Persons there under the Protection of the Company are to have the liberty of resorting to, and trading at, all and any of the Companys Settlements in the East Indies, and at all other Places within the Companys Limits, in as full, free, and extensive a manner as the rest of the Companys Servants and others residing under their Protection at their Presidencies and other Settlements do at present, they paying the Company's Duties at all such Places, according to the usual and customary methods and Rates established at such Places.

'The Trade upon the West Coast is to be reciprocally and in like manner open and free to all the rest of the Companys Servants in the East Indies, and all such Persons as trade under the Company's Protection'.—See the Company's General Letter to Bengal, dated 25th March, 1757.

Black Merchants, and others with whom the said Company have had Dealings or Correspondence; and by such Means, and other Violences, Abuses, and Injuries, have, as hath been alleged,[1] extorted and forced great sums of Money, and other valuable Effects, from such injured Persons, who by Reason of the great Distance from this kingdom, and the wholesome Laws thereof, and by Reason that the said Company have not been enabled to obtain and render satisfaction for such Injuries and Misdemeanors, are and have been remediless: Now it is hereby agreed by and between the said Parties to these Presents, and the said A. B. doth . . . . . covenant and agree, to and with the . . . . . . Company, that in Case any Sum or Sums of Money, goods or Chattels whatsoever, shall at any time or Times hereafter, be extorted, forced, or taken, by him . . . . (either Separately or jointly with others) from any Person or Persons whatsoever, within the . . . . . Company's Limits of Trade, by the Means or Use of Imprisonments, Assaults, Violences, Menaces, or other Force or Compulsion whatsoever, then and as often as any such Offence or Offences shall be Committed, it shall and may be useful, to and for every Person or Persons injured thereby, to make and send over Complaints and Attestations thereof in Writing, to the Court of Directors of the . . . . Company . . . . . . , and that upon the Receipt of such Complaints, and Attestations, it shall and may be lawful to and for the Court of Directors . . . . to enquire into the Truth of the said Complaints, by all such Ways and Means as they shall think just and equitable, and thereupon to hear the matter of the . . . . . . Complaint or Complaints, and thereupon finally to judge and determine the same, and to award Satisfaction and Reparation to be made by the said A. B. to the . . . . Company, for the Benefit of such injured Persons. And the said A. B. doth hereby . . . . . . covenant and agree, to and with the . . . . . . Company, well and truly to pay to the . . . . . . Company, at such Time or Times as shall be limited by the . . . . Court of Directors (or the major

[1] The words from 'as' to 'alleged' do not occur in the third covenant.

Part of them) for that purpose, all and every such Sum and Sums of Money as shall be so awarded by the . . . . . . Court of Directors . . . . to be paid as aforesaid: But in Trust nevertheless, and to the Intent, that the said Company may and do render, and pay over, the Monies received or recovered by them, to the Parties injured or defrauded, which the . . . . Company accordingly hereby agree and covenant to do: And the said A. B. doth furthermore . . . . covenant and agree . . . . . to pay and satisfy to the . . . . Company, for their own Use and Benefit, all such Damages as they shall have sustained by Reason or Means of any such offence or offences as aforesaid '.

The writer was also precluded by the covenant from having any direct or indirect concern in any trade to and from Europe. It stated: 'And the said A. B. doth . . . . . . covenant and agree . . . . that he . . . . . . will not at any Time, during his Residence in the East Indies, or within the said Company's Limits, directly or indirectly,[1] by himself, or in Conjunction with any Person or Persons whatsoever, carry on or use, or be concerned in, any Sort of Trade, Traffic, or Merchandize, either from Europe to the East Indies, or to any Place within the . . . . Company's Limits, between the Cape of Good Hope, and the Straits of Magellan, or from the East Indies, or from any Place within the . . . . . . Company's Limits, to Europe, or to or from any Place whatsoever, althô not within the . . . . Company's Limits of Trade, save and except for, and on Account of, the said Company, nor shall Carry on, use, or be concerned in, any Trade or Traffic whatsoever, but such as is expressly allowed by and according to the true Intent and Meaning of these Presents

[1] The following additional words occur in the third covenant mentioned before, after the word ' indirectly ' :—

' trade, correspond, traffic, deal with or for, or be in any wise aiding, assisting, or employed as Agent, or Factor, by, or for any foreign Company trading in or to the East Indies, or any Person or Persons whatsoever, who do or shall, during the Continuance of these Presents, Traffic, adventure, or trade to, in, or from, the East Indies, or elsewhere, within the Limits of the said Company's Trade, by or under, or by virtue of, any Foreign Commission, License, or Authority whatsoever, nor shall or will '.

. . . . that he . . . . shall and will pay, or cause to be paid unto the said Company, as and by Way of Stated Damages, double the Value of all and every the Goods & Merchandizes traded for, bartered, or trafficked with, by the said A. B. his Agent or Agents, contrary to the true Meaning of these Presents, and moreover, shall forfeit and lose all and every the Benefits and Advantages which the said A. B. . . . would otherwise be entitled unto, from the . . . . Company, and shall also from thenceforth cease to be the said Company's Servant or Agent'.[1]

Finally, the covenant stated: 'It is hereby covenanted, concluded, and agreed, by and between the Parties hereto, and it is their true Intent and Meaning, That if the said A. B. shall continue in the said Company's service after the Expiration of the said Term of Five Years, that *such Continuance shall be upon the same Terms, Conditions, and Agreements, as are hereinbefore made and agreed upon*,[2] for the said Term of Five years, save and except, that if the said A. B. shall rise to any superior Place or Office than what he is hereby employed in or appointed for, that then he . . . shall have and receive such Wages as are usually paid to Officers in the like advanced Stations, Places or Employments'.

[1] 'And in order', the covenant also said, 'to a Discovery of, and a Satisfaction for, such illicit trade as aforesaid, It is hereby agreed, that it shall and may be lawful, to and for the said . . . . Company, and their Successors, to file any Bill or Bills of Complaint or Discovery, in his Majesty's High Court of Chancery or Court of Exchequer, against him the said A. B. his Executors and Administrators, whereunto the said A. B. doth hereby agree, that neither he, nor they, shall or will demur or plead in Bar of the Discovery or Relief, sought by such Bill or Bills, that thereby he or they is, are, may, or shall become liable to any Penalty or Forfeiture, by Force of any Law or Statute, Bond, Covenant, or Agreement, or otherwise howsoever, but shall make and put in a full and perfect Answer and Answers to all the Parts thereof, and shall not, in such Answer and Answers, insist upon any Penalty, Forfeiture, Law, or Statute, Bond, Covenant, or Agreement, or allege any Matter whatsoever, whereby to prevent, bar, or preclude the said Company from the Discovery or Relief, sought, or to be sought, by such Bill or Bills as aforesaid. . . . . .'

The words in the text above from 'and moreover, etc. . .' to 'Servant or Agent' do not occur in the third covenant.

[2] The italics are ours.

We have given above at length, for the sake of precision, the principal clauses of what we have called[1] the first covenant. And this covenant, as already noted, was supplemented by what has been referredto before[2] as the second covenant, in one material respect. The latter declared, with a view to providing against the acceptance of any gift, reward, gratuity, etc., by any servant of the Company, as follows:

'Whereas . . . . . . A. B. is now employed in the Service of the . . . . . . Company as one of their Writers and Covenant Servants, at their Chief Settlement of Fort William in Bengal . . . . . . : Now this Indenture witnesseth, and the said A. B. in Compliance with a Resolution of a General Court of the said . . . . . . Company, and for and in Consideration of what he is, or shall be, intitled to receive from the . . . . . . Company, in respect of his . . . . . . Service, or in respect of any other Station, Capacity, or Employment, in which the said A. B. may hereafter be retained or employed by the . . . . . . Company, or their Court of Directors, doth . . . . . . covenant, promise, and agree, to & with the . . . . . . Company, that he . . . . . . shall not, nor will at any time or Times hereafter during his being employed in the . . . . . . Company's service, in any Station or Capacity whatsoever, either by himself or by any other Person or Persons whatsoever, in Trust for him, or for his Use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive, any Gift or Grant of Lands, or Rents or Revenues issuing out of Lands, or any Territorial Possession, Jurisdiction, Dominion, Power, or Authority whatsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their Ministers, Servants, or Agents for any Service or Services, or upon any Account or Pretence whatsoever, without the Licence or Consent of the Court of Directors . . . . . .; nor shall or will . . . . . . directly or indirectly accept, take, or receive, or agree to accept, take, or receive, any Gift, Reward, Gratuity, Allowance, Donation, or

[1] See page 317 *ante*. [2] See *ibid.*

Compensation, in Money, Effects, Jewels, or otherwise howsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their Ministers, Servants, or Agents, exceeding the Value of Four Thousand Rupees, for any Service or Services performed, or to be performed, by the said A.B. in India, or upon any other Account or Pretence whatsoever, without the like Licence or Consent of the said Court of Directors . . . . . .; nor any such Reward, (etc.) . . . . . . exceeding the Value of One thousand Rupees, and under the value of Four thousand Rupees, without the Licence or Consent of the President and Council . . . . . . of the . . . . . . Settlement[1] . . . . . .; and that he . . . . . . shall and will convey, assign, and make over, to the . . . . . . Company, for their sole and proper Use and Benefit, all and every such Gifts or Grants (*sic*) of Lands, or Rents or Revenues issuing out of Lands, or any such Territorial Possession, (etc.) . . .; and also account for and pay to the . . . . . . Company . . . . . . all and every such Gifts, Rewards, (etc.) . . . . . ., which, contrary to the true Intent and Meaning of these presents, shall come to the Hands, Possession, or Power, of the said A.B. or any other Person or Persons in Trust for him, or for his Use as aforesaid '.

It may be noted here that this covenant for the prevention of the acceptance of presents by the Company's civil servants had been prepared in pursuance of a 'Resolution of a General Court of Proprietors held' on 2nd May, 1764, and that it was ordered by the Court of Directors to be entered into by all the civil servants of the Company in Bengal,

[1] It may also be noted here that in a subsequent letter (presumably to the Governor-General of Bengal in Council), dated 31st January, 1776, the Court directed :—

'It is our positive command that no person in our service do presume to ask, accept, or receive, directly or indirectly, any gift, gratuity, reward, or Benefit from any Farmer of our Lands, or Revenues, or on account of any Farm '.

Under Regulation 11 of the Controlling Committee of Revenue, Fort William, dated 14th May, 1772, the farmer's payments to Government were to be 'ascertained and established', and no demand was to be made upon him, over and above the sum expressed in the Doul or Rent-Roll delivered to him with his lease.

—See Proceedings, Controlling Committee of Revenue, Fort William, Thursday, 14th May, 1772.

including the Governor.[1] And the Governor and Council at Fort William were required by the Court to see that the covenant was executed 'by all Persons[2] and that the Execution of them ...... attested by proper Witnesses'. Moreover, the Court desired that every servant should execute the covenant in duplicate so that one copy of it might be retained by the Governor and Council and the other might be sent to itself in England, to be made use of as occasions might arise.[3]

The third covenant which, as has been said before, embodied in essence the terms of the first covenant, *also* contained the following additional stipulation[4]:—

'In case the said A.B. (the writer) shall make Default in any of the Covenants[5] hereinbefore contained, or shall embezzle any of the said Company's Money, Goods, or Effects, or be guilty of any Breach of Trust towards the said

[1] See the Company's General Letter to Bengal, dated 1st June, 1764, para. 53. It may also be noted here that a covenant with the same object in view as in the case of the covenant intended for the civil servants, was ordered by the Court to be entered into by all the military officers of the Company in Bengal.

[2] Presumably, following its usual custom (see the Company's General Letter to Bengal, dated 25th March, 1757, para. 94), the Court sent a number of blank covenant forms for execution by its servants.

Also see the Company's General Letter from Europe, dated 10th April, 1771, to the President and Council at Fort William.

[3] See the Company's General Letter to Bengal, dated 1st June, 1764, para. 53. This Letter was *read* in the Consultation, Fort William, of 25th January, 1765.

It may be noted here that, although the new covenant against the receiving of presents by the servants of the Company from the Indian Powers had arrived at Fort William on 24th January, 1765, together with the Court's letter of 1st June, 1764, requiring the execution thereof by those servants, it had not been actually executed by them before the Select Committee at Fort William ordered its execution on 7th May, 1765. Nor had it, according to a Parliamentary Report, even been placed by the Governor, Mr Spencer, before his Council at Fort William; nor, again, had any notice been given to other servants of the Company in Bengal that they were required to execute the covenant. —See the Commons' Report, 3rd, 8th April, 1773; also the General Letter (from the President and Council) from Bengal to the Court, dated 30th September, 1765; also Lord Clive's Letter to Court, dated at Calcutta 30th September, 1765; also Proceedings, Select Committee, Fort William, 7th May, 1765; also the Select Committee's (Fort William) Letter to Court, of 30th September, 1765.

[4] See the Commons' Report, First, dated 26th May, 1772, App. I.

[5] The word obviously refers here to the *stipulations* in the covenant as previously stated.

Company, or shall be concerned in buying, bartering, selling, or disposing of any Artillery, Ordnance, Musquets, Fire Arms, Ammunition, or Warlike Stores, to or for the Use of any Prince, Nabob, or Country Power in India, or of the Natives there, without the express License of the . . . . Company, or their Court of Directors, or of the . . . . Company's President and Council, at the respective Settlement where such buying, bartering, or selling, shall be; or in case the said A. B. shall, at any Time during the Continuance of these Presents, without the like License and Authority as aforesaid, hold Correspondence with any Prince, Nabob, or Country Power in India, or any of their Ministers, or shall supply, lend to, or procure, for the Use of any Foreign Company trading in, or to *India,* or any Person or Persons trading under the License or Authority of such foreign Company, any Money, at Respondentia or any other Security Loan, or Engagement whatsoever; . . . . then, and in each and every of the said Cases, it shall be lawful for the . . . . Company and their . . . . Court of Directors . . . . , or the President and Council at the . . . . Settlement, where the said A. B. shall be resident or employed, and they are hereby respectively declared to have full Power and Authority for that Purpose, to suspend, or wholly dismiss, the said A. B. from the . . . . Company's Service and Employment; the said A. B. having first had Notice given him of such his Offence or Default, and a reasonable Time allowed him to make his Defence against the Same, and having been convicted thereof. And it is hereby further expressly covenanted and agreed . . . . that in case of such Dismission as aforesaid, or in case the said A. B. shall, during the Continuance of these Presents, be minded to quit or resign the . . . . Company's Service, and such Resignation shall be accepted and agreed to, by the . . . . Company or their Court of Directors, or their President and Council at such Settlement . . . . that then, and in either of the said Cases of Dismission from, or voluntary Resignation of, the said Service, it shall not be lawful for the said A. B. to enter into any new or fresh Engagements or Concerns whatsoever,

in the Way of Trade or Merchandize; but he shall wholly forbear and be prohibited therefrom; but nevertheless, the said A. B. shall, in any or either of the said Cases, be at Liberty, and have Power and Authority to sell and dispose of his Merchandizes and Effects, which he shall have on Hand, or which shall be then fairly and truly belonging to him, and to collect and get in such outstanding Debts as shall be then due and owing to him in Trade, or otherwise. And for the more effectually carrying the said last mentioned Covenant and Agreement into Execution, it is hereby declared to be the true Intent and Meaning of these Presents; and the said A. B. doth hereby covenant, promise, and agree . . . . that in case of such Dismission from, or quitting and resigning, the said Company's Service and Employment, he . . . . shall and will, within One Year after the same shall happen, or by the first Passage that can be obtained after the expiration of the said One Year, transport himself, together with his Family, to Great Britain, in such Ship employed by the . . . . Company, or by their Court of Directors, or their President and Council as aforesaid; and shall not, nor will upon any Account or Pretence whatsoever, stay or continue any longer in the East Indies'.

And lest he should in any way manage to evade this obligation, and continue to remain in the East Indies, the covenant further provided: 'And moreover, in case the said A. B. shall make Default[1] in the said last mentioned Covenant, the said A. B. doth hereby consent and agree . . . . that from and immediately after such Default, it shall and may be lawful for the . . . . Company, or their Court of Directors, or their President and Council at the said Settlement . . . . to cause the said A. B. to be apprehended and detained, and to put him and his family on Board any Ship employed by the . . . . Company, for the Purpose of being transported to Great Britain, so nevertheless that no unnecessary Delay be sought, nor any fit Occasion or Opportunity lost in so doing . . . . further . . . . the said

[1] I.e., did not leave for Great Britain as required by the covenant.

A. B. doth hereby covenant, promise, and agree . . . . that he . . . . shall not, nor will . . . . sue, or prosecute the . . . . Company, or their Court of Directors, or any of their Presidents and Council (*sic*), Commanders or Officers of any such Ship, or any other Person employed in any of the Matters aforesaid, in or by any Action, Suit, or other Prosecution, civil or criminal, in respect of such Apprehending and Detaining him . . . . or of Putting on Board and Transporting him . . . . and his Family, to Great Britain, in Manner aforesaid . . . .'

In connexion with the third covenant the Court of Directors wrote to the President and Council at Fort William[1] on 10th April, 1771:—

'To remedy several defects in the engagements which have been formerly entered into, by our servants, both civil & military and by surgeons, free merchants,[2] free mariners[3] & others, that are now, or may hereafter be employed by the Company, or permitted to reside in India

[1] See the Company's General Letter to the President and Council at Fort William, dated 10th April, 1771, para. 85.

[2] Free merchants were not in the service of the Company. They were permitted, however, by the Company to carry on trade on their own account, subject to the terms of a covenant into which they were required to enter. They enjoyed the Company's protection within the limits of its Charter. It may be noted here that in its General Letter to Bengal, dated 26th March, 1766, the Court ordered it to be observed 'as an invariable Rule or Standing Order' that no free merchant, nor any other person, proceeding to or residing in the East Indies, whether with or without its permission, should be admitted or taken into either the civil or the military service of the Company on any pretence whatsoever without its express leave.

See Bolts, *Considerations on India Affairs*, 1772, Chapter X, in this connexion. Also see Appendix 12.

Every free merchant had to give a security of £2,000 for the proper performance of his covenant.—See the Company's General Letter to the President and Council at Fort William, dated 10th April, 1771.

[3] Free mariners, writes Bolts, were usually permitted 'to go out upon only giving security not to become chargeable to the Company'. They too had to enter into an agreement.

See Bolts, *Considerations on India Affairs*, Chapter X.

Also see Appendix 12.

Every free mariner had to give a security of £500 for the proper performance of his covenant.—See the Company's General Letter to the President and Council at Fort William, dated 10th April, 1771.

under our License & Protection, we have thought proper (with the advice of our Standing Counsel & Solicitor) to add some clauses to the covenants usually entered into by the civil & military servants and Free merchants, *in order to restrain them from assisting foreign Companies, or supplying country powers with war-like stores, and to prevent them from remaining in India beyond a time limitted (sic) after proper notice given them to depart*'.[1]

Further[2], the Court issued a 'positive order and direction' that all civil and military servants of the Company, every one of its surgeons and assistant surgeons, as well as all free merchants and free mariners should, as soon after the arrival of the covenant by the *Colebrooke* as convenient, be required to execute[3] the new covenant. 'And should any person', the

[1] The italics are ours.

[2] See the letter referred to in foot-note 3 on page 332.

[3] Thus we find in the Proceedings of a meeting of the Controlling Council of Revenue at Moorshedabad, held at Moorshedabad on Thursday, August 13th, 1772 :—

'Read the follow[g] Lre from the Sec[y] to the Honble the Presid[t] & Council

To

Sam[L] Middleton Esqre Chief & Gentlemen
of the Council of Revenue at Moorshedabad

Gentlemen,

By the Orders of the Honble the Presid[t] & Council I transmit You a parcel of Covenants to be signed by such of the Company [. . . .] Servants & surgeons as are under your Orders at the City, and also by the Supervisors & their Assistants & the Surgeons with them The enclosed Extract from the Court of Directors Letter will inform You of their strict Orders concerning them and also regarding the Securities they are to gi(. . . .) at home.

You will please to return them to me that they may be sent home to (by ?) the first packet that shall be despatched

FORT WILLIAM,
Jun (. .) 2, 1772.

I am with
Respect Gentlemen
(etc.) . . . .
W. WYNNE,
Sec[y].

(Then follow the relevant extracts from the letter from the Court of Directors, dated 10th April, 1771 : paras. 85–88.)

'Orders in Consequence

Ordered that the Sec[y] prepare the Covenants as soon as possible & transmit them to the several Collectors that they may be executed by them & their Assistants & returned immediately.'

—See Proceedings, Controlling Council of Revenue, Moorshedabad, August 13th, 1772. These proceedings have also been published by the Government of Bengal.

Court continued, 'refuse a compliance with this our order; if he is in our service he must be dismissed therefrom, & sent home, or (and?) if one under our protection, such protection is to be withdrawn from him, & the person so refusing, to be sent to England'.

The extracts from the writer's covenants given above will indicate the varied and comprehensive nature of his[1] conditions of service under the Company. Besides, the writers as well as other civil servants of the Company had to give securities 'for the performance of their covenants, securities being given in each case by two persons in England.'[2] The amounts of the securities which used to be taken from the different ranks of the civil servants were as follows[3] :—

A writer	had to give a security of		...	£ 500.
A factor	,,	,,	...	£ 1000.
A junior merchant	,,	,,	...	£ 2000.
A senior merchant	,,	,,	...	£ 3000.
A councillor	,,	,,	...	£ 4000.
A Governor	,,	,,	...	£10000.

Thus as a covenanted servant would 'advance in station', he had to give the usual higher security, agreeably 'to the usage of the Company'.[4] And the Court of Directors repeatedly insisted upon this, and required the Governor and Council to see that its direction in this respect was 'punctually complied with' by its servants concerned.[5] Those who

[1] 'The same covenants (as in the case of writers),' writes Mr William Bolts (*Considerations on India Affairs*, 1772, p. 115), 'have been usually entered into by those who went out (to India) in any superior station, varied only with regard to the period of servitude . . . a *larger* salary, and giving security for a larger sum.'

[2] See the Company's General Letter from Europe to the President and Council at Fort William, dated 10th April, 1771.

[3]

Each surgeon or assistant surgeon		...	... £1000
Each free merchant ...	...	...	... £2000
Each free mariner ...	...	...	... £ 500.

See the Company's General Letter from Europe, dated 10th April, 1771, addressed to the President and Council at Fort William in Bengal, para 88; also the Commons' Report, 1st, 26th May, 1772, Appendix I; also Bolts, *Considerations on India Affairs*, p. 115n.

[4] See the Company's General Letter to Bengal, dated 11th February, 1756, para. 82.

[5] See the Company's General Letter to Bengal, dated 25th March, 1757, para. 94.

would execute fresh covenants in India were required by the Court of Directors 'to desire two responsible persons in England to enter into. . . . . security Bonds' on their behalf, for the sums fixed by the Court against their ranks.[1]

Covenanted servants were required[2] by the Court to give 'Twelve Months notice of their intentions for quitting' the Company's service, and the Court also directed[3] that they were 'not to be suffered to come away (from India) before the expiration of that Term'. Further,[4] it stated that 'upon the Expiration of the said Twelve Months notice', they should no longer be in the Company's service, unless it should 'most evidently appear' to the President and Council (at Fort William)[5] that it would be 'for the Interest of the Company to continue them until our further pleasure is known'.

We also find in the Company's General Letter (para. 90) to Bengal, dated 23rd March, 1770, that under 9 George I, Chapter XXVI,[6] a covenanted servant of the Company, who would be dismissed from, or would resign, its service, might 'have notice given to him to quit India', unless he was otherwise lawfully authorized to continue here. And if he refused thereafter to 'depart from the East Indies after a reasonable

[1] See the Company's General Letter from Europe, dated 10th April 1771, to the President and Council at Fort William in Bengal, para. 88.
[2] See the Company's letter to the President and Council at Fort William in Bengal, dated 19th February, 1762, para. 53.
[3] *Ibid.* [4] See *Ibid.* [5] In the case of Bengal.
[6] Reference here is to Sections VI and VII of the Act (9 George I, Ch. XXVI), referred to.

Section VI of the Act provided :—'If any Person or Persons, Subject or Subjects of his Majesty, his Heirs or Successors (other than such as are lawfully authorized thereunto) shall at any Time or Times from and after the four and twentieth Day of June, in the year of our Lord one thousand seven hundred and twenty-four, go, sail, or repair to, or be, or be found in or at the East-Indies, . . . every Person and Persons so offending are, and are hereby declared to be guilty of a high Crime and Misdemeanour, and shall and may be prosecuted for the same in any of his Majesty's Courts of Record at West-Minster . . . and such Person and Persons so offending, being convicted thereof shall be liable to such Corporal Punishment or Imprisonment, or to such Fine, as the Court where such Prosecution shall be commenced shall think fit; one Moiety of such Fine to be to the use of his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them that shall inform and sue for the same'.

And Section VII of the Act said :—'All and every Person and Persons so offending, shall and may be seized and brought to England;

time allowed' to him—twelve months would ordinarily be considered sufficient—'for settling his accounts & calling in his Effects', he was 'liable to be seized and brought to England and prosecuted as an offender' under the provisions of that Act. The Court desired,[1] however, that this power was 'to be very tenderly exercised in all cases, and only for the sake of Public Good where the Privileges and Commerce of the Company' were 'invaded by such offenders, their Regulations violated and their European or Indian Enemies abetted and supported'.[2]

Lending of money by the Company's servants prohibited.

One of the sources of income of many of the servants of the Company was the high rate of interest which they used to earn by lending money to Zemindars and others. This often led to many undesirable complications both in administration and in the collection of revenues. For instance, before a meeting of the Select Committee held at Fort William on 5th October, 1765, Clive laid a letter from Mahomed Reza Cawn, Nawab's Minister,[3] in which the latter had repre-

and it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace, and they are hereby authorized and required to commit all and every such Person and Persons to the next County Gaol, there to remain until sufficient security be given by Natural-born Subjects or Denizens, to appear in the Court where such Suit or Prosecution shall be commenced or depending, to answer the same, and not to go or depart out of Court, or out of this Kingdom, without the Leave of the said Court'.

[1] See the Company's General Letter to Bengal, dated 23rd March, 1770, para. 90.

[2] In a subsequent letter, however, the Court stated :—

'In addition to what we wrote in our Letter of the 23rd of March 1770 (see the text above), we now direct, that no person or persons whatever, already sent, or who may hereafter be sent to India in our Service, either as a Writer, Cadet, or otherwise, be permitted to resign the same in order to adopt any other mode of employment, or to engage in any line of business incompatible with the said service; and we especially direct, that no resignation be permitted in order to enable any person whatever to accept of any office, or to be admitted to practise as an Attorney in the Supreme Court of Judicature. But whenever any person or persons shall resign, as aforesaid, he or they must be required and compelled to return to England within the time limitted (*sic*) by Law; for we will not permit any person whatever to remain in India, after resignation of our Service, without having first obtained our leave for that purpose'.—From the Company's General Letter to Bengal, dated 5th July, 1780, para. 45.

[3] Also referred to as the 'Naib Dewan and prime minister'.—See Proceedings, Select Committee, Barasult (Barasat), 31st December, 1766.

sented[1] 'the manifold inconveniences resulting to publick Business & the great obstruction arising to the collection of the Revenues, from allowing the Gentlemen of the Factories of Dacca & Luckypoor to interfere in the affairs of the Government ', and had requested, among other things, that in future neither they nor their dependants should be allowed to lend money to Zemindars. Difficulties obviously arose from the assertion of the priority of claims to the income of Zemindars for the payment of interest, etc., which the Company's servants, who would lend money to them, would often make.[2]

[1] The letter from Mahomed Reza Cawn had been received on 4th October, 1765 :—

It stated : 'There are many persons, who with the pretence of debts being due to them, making use of the name of the factory, disturb the Zemindars and districts of the Chuila (Chucla ?) of Jehangeer-Nuggur (Dacca), and sending peons to seize people, obstruct the revenues of the Sircar. The particulars are very long . . . . Moreover several evasive Jemindars and Talookdars borrow more or less from the dependants of the factories, and when their rents are demanded from them, go and shelter themselves under their protection, so as to be out of the power of the Aumils. With the pretences of debts being due from them, they carry their creditors into their districts, and embezzle the revenues, so that the money of the Sircar remains unpaid ; and spreading about reports, that numbers of villages are rented to the dependants of the factory, they practise villainous tricks. I accordingly receive from the Aumils frequent complaints of these proceedings. As I do not conceive, that the interruptions of the revenues of the Sircar can be put a Stop to, without removing these pretences, I hope you will be kind enough to write to the gentlemen of the factories of Jehangeer Nuggur, and Luckypoor, etc. that none of the dependants of the factory must lend money to the Zemindar, etc. without the knowledge of the Aumil, nor hold any farms, nor interfere with the affairs of the Country, nor send any people into the Districts and make a disturbance ; and that whatsoever demands they have upon the Zemindars, etc. they must lay the accounts therefore (*sic*) before Jessarut Cawn, the Naib of Jahangeer-Nuggur, that he may oblige the Zemindars to pay whatsoever is just '.—See *Further Report from the Committee of Secrecy, House of Commons*, 1773, Appendix 65.

For the terms *Chucla* and *Aumil*, see Glossary.

[2] That such things happened is corroborated by the following extract from a Report of a Parliamentary Committee :—

'And your Committee find, that the exaction of exorbitant interest for money lent to the Zemindars and others, has been another cause of diminution of the revenue of the Company in Bengal '.—From *Further Report from the Committee of Secrecy appointed by the House of Commons . . . to enquire into the State of the East India Company*, 1773.

The Committee took[1] 'into consideration the great injury that must necessarily arise to the Company from any stop or impediment to the collection of the Revenues, whereof they are now, since the royal Grant of the Dewanny & the late agreement with the Nabob both the Collectors & Proprietors', and then resolved that positive orders should be issued to the Chiefs of subordinates[2] (and the Commanding Officers of brigades), 'prohibiting them from lending money to the Zemindars or other servants of the Government on the security of Lands, by lease or mortgage.' Further,[3] the Committee directed that this order should be sent by the Chiefs of subordinates (and the Commanding Officers of brigades) 'to the several Gentlemen & others acting under them in inferior stations', who were also 'in like manner prohibited from lending money.'

It appears, however, from the Proceedings of the meeting of the Select Committee held at Barasat[4] on 31st December, 1766, that the above-mentioned direction of the Committee had been 'transgressed to the great detriment of the collections'. The Committee, therefore, resolved to enforce it now. With a view to this, it directed 'that no money shall in future be lent "except on respondentia" upon any pretence whatever at a higher interest than 12 per cent per annum; (and) that all sums of money outstanding at a higher premium shall be

[1] See Proceedings, Select Committee, Fort William, 5th October 1765. [2] See page 117 *ante*.

[3] See *ibid*. Also :—

'The more effectually to remove every cause of complaint & render the ministers responsible for the collection of the stated Revenue, we have directed that none besides those who are employed in certain public stations shall in future correspond with the officers of the Government hold lands *lend money to the Zemindars* or take any other means of improving their fortunes or acquiring influence in the Country that may tend to disturb distress or defraud either the administration or the people and this prohibition we have extended to all your servants Civil and Military and their Dependants—It was the earnest request of the ministers that we should impose such restrictions and we thought compliance but reasonable as we were well assured that the Revenue had suffered from the excess these practices were carried '.—See the letter from the Select Committee to the Court of Directors, dated at Calcutta 31st January, 1766, para. 9. (The italics are ours.)

[4] In the relevant manuscript the word is spelt as 'Barasult'. It obviously should have been Barasat (near Calcutta).

recalled on the 11th day of April next (i.e., 1767).'[1] It also decided[2] to write the following letter to the Chiefs of all the subordinate factories and the (Company's) Residents at Burdwan and Midnapore:—

'Sir,

On the fifth day of October, 1765, the Select Committee issued orders that no civil or military servants of the Company, their Banyans or dependents etc. should after that date lend money upon lease, mortgage or otherwise to the Zemindars and other officers of the Government without the knowledge and consent of Mahomed Reza Cawn and the ministers.[3]

'It is with concern we now understand that this order has been disregarded to the great prejudice of the revenue and injury of the Company. We therefore direct that you will make strict Enquiry who are the transgressors and transmit to us the names of all such as have lent out money without obtaining the approbation of the ministers and contrary to the injunctions of the Select Committee.

'At the same time it is our positive resolution that henceforward no British subject in or out of the Company's service or their dependents shall lend money unless upon respondentia at a higher rate of interest than twelve per cent per annum and that such sums of money as have been lent at a higher interest shall be recalled on the 11th day of April next on pain of immediate dismission and forfeiture of the Company's protection, of which resolution we direct you will make publication in due form taking the most effectual steps to see it strictly obeyed.

Fort William,

31 Dec : 1766.'

It may be interesting to note here that sometimes a servant of the Company would enter into collusive arrangements

[1] See the proceedings of the meeting of the Select Committee held at Barasat on 31st December, 1766.

[2] See *ibid.*

[3] We do not find the words from 'without,' etc. . . . to 'ministers' in the Proceedings of the Select Committee, Fort William, of 5th October, 1765.

with a Nawab, or his Ministers, or with others, with a view to receiving from them 'Presents or Gratuities' in the name of interest on loans, either actual or fictitious. For the purpose of stopping such collusive arrangements, the Court wrote in its General Letter [1] to Bengal, dated 17th May, 1766 :—

'Having reason to believe that many of our Servants have received Presents or Gratuities from the Nabobs, their Ministers or others in a Collusive manner by way of exorbitant Interest on Moneys lent or said to be lent to them by our said Servants; in order therefore to put a stop to such extortions & exactions (for in that light we see them) we do hereby order & direct, that if in future any one of our Servants Civil or Military, shall directly or indirectly demand, accept or receive from any Person or Persons whatsoever for the Loan of any Sum or Sums of money, real or nominal in Bengal or in any other part or Province of India (excepting only such monies as he may from time to time lend on Respondentia) any kind of Premium, Gratuity or advantage whatsoever over & above Twelve per Cent per Annum Interest; such Servant upon being convicted thereof let his Rank or Station be what it may, is to be forthwith Suspended from the Company's Service'.

We may also record here, in connexion with the question of loans by the Company's servants, an unhappy incident. It appears from a General Letter [2] to the Court of Directors *per Latham*, dated at Fort William 10th November, 1773, that Raja Kissenchund, Zemindar of Nadia, owed a debt to one Mr W. Lushington, a covenanted servant of the Company. When the Raja came on one occasion to Calcutta 'on the Business of his Zemindary', he was arrested 'in the Public Streets by a Writ from the Mayor's Court at the suit of Mr Lushington'. 'As this was', said the President and Council in their General Letter referred to above, 'the first Instance in our knowledge of any of the Rajas under the Country Government being made amenable to our British

[1] Addressed to the President and Council at Fort William. Para. 48.
[2] For further details, reference may be made to (Public Dept.) Consultations, Fort William, of 20th and 21st May, 1773.

Courts. It became an immediate object of our Consultation After duly considering the Charter of Justice, We declined coming to an opinion on the competency of the Court, reflecting that this point might come before us in a judicial capacity by way of appeal '. But they considered it highly incumbent upon them 'to call Mr Lushington to account for a step so unprecedented and so detrimental in its tendency to the Company's interest'. 'Were the Zemindars subjected to be arrested on their attendance at the Khalsa[1] for the Business of the Districts, the Collections', they observed, 'must suffer and in cases of tedious Confinement, the whole years revenue might be lost besides We can easily suppose (knowing the Intrigues of these men) That Collusive suits against them might be instigated by themselves & undertaken to serve as pretexts for their Deficiencies and nonpayment of their arrears'. 'On these Grounds', they continued, 'we judged that Mr Lushington had acted in a most unjustifiable as well as unprecedented manner in this Instance preferring his private Interest in a matter of small Importance to him to that of his Employers and in Contempt of the authority of this Government—without any previous application to them, seeking redress in a new channel which could not fail to create confusion in the administration of the Revenue'.

The Council was not satisfied with the explanation which Mr Lushington, when called upon by it to justify his conduct, had offered in defending his action. It would have dismissed him from the service of the Company but for the possibility of a misunderstanding in England. It reported, however, the whole incident to the Court of Directors that the latter might 'see what a disagreeable dilemma the conduct of one' of its covenanted servants had 'brought upon' its affairs, and upon 'the Credit, & Justice' of its administration. Moreover, with a view to preventing the repetition of such an incident, as the Raja, it understood,

[1] I.e., the Exchequer; 'the office of Government under the Muhammedan administration in which the business of the Revenue Department was transacted, and which was continued during the early period of British rule'. It had been removed from Moorshedabad to Calcutta.

had many other debts, the Council 'resolved to give bail for his standing suit', and ordered him to go back to his district. It also requested the Court to communicate its 'explicite opinion and orders on this subject' for its future guidance. Meanwhile, it published a proclamation forbidding all its servants 'under penalty of Dismission' to lend money to Zemindars 'under any pretence whatsoever', and 'requiring' all persons who had any claims against them to resort 'to the ordinary Courts of the Country for Justice'.

In reply, the Court of Directors forwarded to the President and Council at Fort William the following opinion[1] of its Counsel, in connexion with the case of Raja Kissenchund, for future guidance :—

'That it should be made a standing order of the Presidency & properly promulgated that no servant of the Company on pain of dismission shall lend money to the Zemindars or have any money dealings with them & those who have claims against them must if necessary resort only to the Courts of the Country for redress'.

Thus the action of the President and Council here was upheld by the Court's Counsel.

It may be added here that at a meeting[2] held at Fort William on Thursday, the 14th of May, 1772, the Controlling Committee of Revenue also had adopted the following Regulation[3], among others :—

'That . . . . the Collector (of Revenue) be forbid on pain of removal from his office, either to lend money

[1] Dated 3rd August, 1774.—See General Letters from Court, Vol. 20, p. 117, Imperial Record Department, Government of India. Also see Peter Auber, *Rise and Progress of the British Power in India*, Vol. 1, pp. 430–31.

[2] See Proceedings, Controlling Committee of Revenue, Fort William, 14th May, 1772.

[3] In justification of this Regulation the Controlling Committee said that 'every precaution ought to be taken, and every Restriction laid on the collector, that' would prevent 'his Interest from clashing with the Duties of his Employ'. It apprehended that the farmer who had 'the Demands of Government and the Collector at the same time to answer', would be too apt to avail himself of such a situation to elude those of the former. The Collector would be naturally inclined 'to allow a deference (preference ?) to his own claims, unless it be supposed that all men are proof against the Temptations of private Interest, and will seek that of their employers at the Hazard of losing

himself, or to suffer his Banyan, or any other of his servants or dependants, to lend money to the Zemindars, Talucdars, farmers, Reiats (Ryots), or any other person whatever, within the district of which he shall have charge . . . . And that all debts contracted contrary to the Tenor of this Order, after the publication of it, shall be void'.

And in its General Letter to Bengal,[1] dated 31st January, 1776, the Court of Directors ordered that the prohibition (contained in the above Regulation) should be extended to all its servants 'of every denomination', and that any servant who would be 'found offending against this Order', should 'be forthwith suspended from holding any employment under the Company' till its pleasure should be known.

It is perhaps unnecessary to point out here that the restriction imposed upon the civil and military servants of the Company in the matter of the lending of money by them as shown above, was certainly a very wholesome principle[2]

their own Fortunes'. Further, the Committee held that it was 'the Duty of Government to lay such restraints on the Natural Licentiousness of Mankind as shall make the interest of Individuals coincide with their Duty'. 'To presume', the Committee concluded, 'that all men are possessed of Integrity, and to trust entirely to this principle, is to leave a Door open for every species of Depravity; for many will abuse the Confidence thus tacitly reposed in them; their Example will influence others; and under the specious appellation of Perquisites, the most flagrant corruption will be admitted, even by Men whose Natural principles, without such a Bias, would receive the offer of them with abhorrence'.—*Ibid.*

[1] Para. 32.

[2] The length which sometimes a servant of the Company would go in the abuse of his privileged position, is perhaps best illustrated from the case, not, fortunately, of a civil servant, but of a military servant, namely, Captain David Mackenzie*, once Commanding Officer of the Company's Detachment on duty at Rangpore. Several complaints of a very serious nature had been made against him. One was: 'Lending Money to the Zemindars & Farmers of Rungpoor at a very exorbitant Interest, exacting a much higher Rate of Interest than what had been settled by Agreement; and by unwarrantable & forcible Means, extorting the Payment of these Exactions, to the no less Detriment of the Company's Revenue than the Distress of the poor immediate Sufferers'. The Controlling Committee of Revenue at Fort William ordered in its letter, dated at Fort William 14th November, 1771, an 'immediate Investigation' into this as well as other charges against Captain Mackenzie to be made by the Controlling Council of Revenue at Moorshedabad. It also directed the latter to communicate to it the result of its inquiries along with its opinion thereon. Accordingly, after a prolonged investigation in the course of which various witnesses had been examined, the Council of Revenue

of public administration, and was bound to conduce to their integrity and efficiency as public servants.

Sending information to England in private prohibited.

It appears from several letters of the Court of Directors to Bengal that many servants of the Company here as well as elsewhere in India used to communicate in private information in regard to the affairs of the Company, to their friends, and to 'His Majesty's Ministers and other Great Men', in

at Moorshedabad wrote to the Controlling Committee of Revenue at Fort William the following, among other things :—

'In Support of the first Charge (referred to above), undeniable Proof is brought that Captain Mackenzie did lend Money to the Zemindars & Farmers at the specified Rate of 5 P Cent P Mensem; which appears to be considerably above the customary Premium of the place. That he did so is acknowledged by his own Servants who transacted the Business & publickly avowed by himself in his Correspondence wlth the Supervisor of Rungpore. It is no less Evident that a further Premium of 9 P ct P Mensem was insisted on, and exacted from the same People, on the same Loans, & on the same Accounts, by the most unjust & arbitrary Methods, contrary to all Faith of Agreement, and the express Tenor of the Contracts mutually entered into. To this Point no less than nine Witnesses, all Naibs or Vackeels of the Zemindars etc. in whose behalf they negotiated with Captain Mckenzie; have given their Depositions on Oath. They relate the Necessity they were under of dealing with this Gentleman, exorbitant as the Rates of Interest were which he demanded : from the Circumstance of other Merchants being deterred from engaging in the like Business, on Acct of the Competition which must arise in the Recovery of their Loans & in which his superior Power and Influence would undoubtedly preponderate. They specify the Rate of Interest first agreed to & inserted in their Bonds to be 5 P Cent. P Mensem, but that when their Accounts came to be finally adjusted, or renewed on Payment of a Part of their Debts, they found themselves obliged by compulsive Means, (not only) to make good the stipulated Rate of Interest, but also a further Premium of 9 P Cent P Mensem. These compulsive Means are described to be Imprisonment & corporal Punishment : Several Instances of which are fully attested ; one in particular, where a Sircar of Capt. Mckenzie having forcibly obtained the Renewal of a Bond including accumulated Interest, on that which was unlawfully exacted, the Captain demanded Payment accordingly ; but being answered in Complaint by the injured Person, instead of receiving the Reply looked for, the latter experienced his Resentment with such Marks of Cruelty that he remained for some Time senseless. . . . . . In short from the Circumstantial, minute, and concurring Testimony of all these Evidences, The exactions mentioned, and means used to obtain them are fully proved . . . .

. . . Havinng thus by so many corroborative Proofs ascertained the Business of the Loans, with all it's concomitant Transactions, it is unnecessary to point out & explain how far they must have been Detrimental to the Company's Revenue. The Confession of the Zemindars, & the Arrears of the Province afford the best Comment on this subject ; tho' there is one Circumstance worthy of Remark. It is deposed on Oath that Monik Chund being hard pressed by C.

England. Sometimes they would send even extracts from Consultations, Letters and other official 'Papers containing very material Transactions', to their relations and friends at home. As this would often place the Court in an embarrassing position in England, it took a very serious view of such action on the part of the Company's servants, and strictly enjoined them to forbear from it on pain of dismissal from the Company's service.

For example, in its letter to Bengal, dated 1st April, 1760, the Court wrote[1] to the President and Council: 'We find it is a practice for some person(s) to send great men and others a minute account of our affairs & transactions abroad, we will not believe this is done with intentions prejudicial to our interest, but unknowingly to them our affairs may one day suffer greatly by such steps . . . . it is perhaps very fortunate for the Company that the present ministry are their real & true friends: although this hint is principally occasioned by some advices which have been sent from Fort St George & we have accordingly acquainted our servants there—if this practice is repeated by any person or persons whatsoever we shall highly resent it yet it is necessary You

Mckenzie on Acct of Loans, the former had no means of making satisfaction, or disembarassing (*sic*) himself from the C*ns* (Captain's) Importunities, but by encroaching on the Company's Revenue, which he acknowledges to have done. Now by subsequent Information from the Supervisor of Rungpore, it appears that the very Sum which Monik Chund had pd. to Capt Mckenzie was remitted to him from the Country expressly for the payment of a part of the Rents of the Province, and a Balance to the same Account stands against him (Monik Chund) to this Day on Acct. of the appropriation mentioned'. (*Also spelt as Mckenzie).

—*Vide* Proceedings, Controlling Council of Revenue at Moorshedabad, Monday, 22nd June, 1772; also O.C. No. 13, 22nd June, 1772, Controlling Council of Revenue, Moorshedabad; also see the Proceedings of the same Council from 2nd September, 1771, to 11th June, 1772, as well as the proceedings thereof, of 30th July and 28th August, 1772, in this connexion.

These proceedings have also been published by the Bengal Secretariat Book Depot.

For the constitution and functions of the Controlling Committee of Revenue at Fort William and of the Controlling Council of Revenue at Moorshedabad, see the author's '*Early Land Revenue System in Bengal and Bihar*', Vol. I, 1765-72, Chapter IV.

[1] See the Company's letter to Bengal, dated 1st April, 1760, para. 116.

also should be informed thereof, & be assured that the like conduct in any of our servants or others at Bengal will highly incur our displeasure'. Again, in its letter[1] to the President and Council at Fort William, dated 19th February, 1762, the Court stated:—

'We are sorry to observe that many Informations concerning the Company's Affairs have been sent to His Majesty's Ministers and other Great Men from our Servants belonging to yours and our other Presidencies, some of which particularly upon the late Transactions with the Dutch in Bengal have much embarrassed us; We Wont say that such Communications are made with a view to lessen the authority of the Court of Directors, but they certainly have a great tendency that way. You are therefore to use all possible means for putting a stop to this Practice, and as the Court of Directors is the only channel through which Government[2] receives all Informations concerning the Company's Affairs, if private informations therefore are sent from any of our Servants or others under our Protection we shall deem such Persons unworthy of the Company's service & they shall be certainly dismissed, whatever their Rank or Station may be'.

The Court repeated the above direction in its General Letter[3] to Bengal, dated 1st June, 1764. It wrote therein to the President and Council at Fort William:

'We find many of our Servants have taken the Liberty of sending to their Relations and Friends Copies from your Consultations, Letters and other Papers containing very material Transactions and some of them before we have even received the Originals or any account of them. This is such a Breach of Duty to the Company as cannot be dispensed with (*sic*), and therefore we absolutely forbid such practices in future, under the Penalty of our highest displeasure, of which you are to give Publick Notice for the Information of all our Servants in general'.

The case of Sir Robert Barker.

We may note in this connexion the case of Sir Robert Barker and the views of the Court thereon. It appears from

[1] Para. 57. [2] In England. [3] Para. 48.

the Court's General Letter to the President and Council at Fort William, dated 17th March, 1769, that Sir Robert Barker, who later on succeeded Brigadier-General Richard Smith as the Commander-in-Chief of the Company's Forces in Bengal with the rank of Brigadier-General, had written a private letter to Lord Clive 'on matters of great importance relative to the Company's affairs'. He had not, however, sent any official communication to the Court on those matters. The letter had been dated at Faizabad 21st April, 1768. It had presumably been sent *via* Bussorah where it had been enclosed in a packet from the Company's servants there, meant for the Court of Directors. The Court had duly received the packet along with Sir Robert's letter. As it had been made to believe that the letter had dealt with matters in which the Company was interested, it desired Lord Clive to communicate to it such parts of its contents 'as might be interesting to the Company'. Thereupon, Lord Clive had 'obligingly' sent to it a copy of the letter. The Court was not pleased with the action of Sir Robert Barker. 'Sir Robert Barker', it stated in its letter referred to above, 'would incur our severest displeasure did it not appear to us that he must be ignorant both of our repeated orders to all our servants never to omit any opportunity of communicating Intelligence to us, and not to make the Company's affairs the subject of Private Letters'. 'We shall therefore', the Court continued, 'pass over Sir Robert Barker's conduct herein, but you are to signify to all our Servants Civil and Military that they are not to make the Company's affairs the subject of their Private Letters, and that when any opportunity offers of communicating any intelligence to us by a channel which from distance or particular local circumstances cannot be known to our Governor and Council, they are not to fail to write to us'.

Apart from what has been stated above, the Company took, as will appear from what follows in this and the subsequent Chapter, other steps for ensuring in its servants a proper sense of economy, order and discipline, and a spirit

of public service, as well as good conduct and goodwill towards the people of this country : it issued, for instance, to its servants definite instructions from time to time with these objects in view, and enjoined its representatives at Fort William to see that these instructions were duly followed by the servants.

Council and Junior Servants.

The Governor and Council at Fort William were required by the Court to see that all the servants of the Company in Bengal discharged 'the Duty of their several Stations with Diligence & Care', and to take such measures for this purpose as they would think to 'be most effectual'.[1] If any writer in particular did not behave to their satisfaction, he was to be called before them and reprimanded once, twice or oftner, if they should think it fit to do so ; and if that did not reclaim him, they were to dismiss him from the service of the Company and to send him forthwith to England, for, the Court said, 'we are determined the Company shall not any longer be burthened with useless hands'.[2] And it was practically on their recommendations that the Court acted in the matter of promoting their servants to higher stations. As stated before, the Court wrote[3] to the President and Council on 24th December, 1765 :—' We heartily wish for the sake of Justice, for the good of the Company and for the Relief of ourselves, that we might depend on you our President & Council for the true characters of our Servants in respect to Integrity, ability & assiduity, for without some such competent Guide, we may often be led into Error & suffer some to rise to stations for which they are unfit, and you are hereby directed to send us the proper Informations from time to time accordingly. as (*sic*) this is more particularly necessary with respect to the taking in Council those Persons who stand next in turn upon the List, you are to be extremely careful therefore not to admit any one into Council unless you are fully satisfied that his abilities, Integrity,

[1] See the Company's General Letter to Bengal, dated 17th December, 1762, para. 36.
[2] *Ibid.*
[3] See the Company's General Letter to Bengal, dated 24th December, 1765, para. 88.

Circumstances & good Character in general render him fit for so important a station. And whatever Person shall be taken by you into Council to continue as such provisionally until you receive our approbation '.[1]

In a previous letter[2] also the Court had stated: 'You our Governor and Council must set the Example of Order, Method and Application; the Junior Servants should be *taught obedience and kept strictly to their Duty, the Negligent admonished, and where Admonition fails, suspend them the Service until our Pleasure is known* '.[3]

Servants' mode of living.

Many of the junior servants of the Company used to live a life of 'extravagance and dissipation '. And this often led to their financial embarrassments, and also to various abuses on their part. The Court gradually came to know of this, and with a view to combating this evil, it wrote to the President and Council on 3rd March, 1758[4] :—

'The Indigence of our Junior Servants, which may too often have been the effect of their vices and the imitation of their Seniors hath not a little contributed to increase that load of complaints which have (*sic*) been so strongly and repeatedly urged by the Nabob in regard to the abuse[5] of Dusticks,[6] a practice we have ever disclaimed and are determined to show in future the strongest marks of our Resentment to such as shall be guilty of; and do most positively Order and direct (and will admit of no Representation for your postponing the Execution of) that no writer whatsoever be permitted to keep either Palankeen, Horse or Chaise during his Writership, on pain of being immediately dismissed from our Service '.

Again, in its General Letter[7] to Bengal, dated 24th March, 1767, the Court stated that it had heard with concern and

[1] See the letter referred to in the last foot-note.

[2] See the Company's General Letter to the President and Council at Fort William, dated 3rd March, 1758, para. 119.

[3] The italics are ours.

[4] See the Company's General Letter to Bengal, dated 3rd March, 1758, para. 132.

[5] Also see Chapter VI. [6] See Glossary.

[7] See the Company's General Letter to Bengal, dated 24th March, 1767, para. 36. It was addressed to the President and Council at Fort William.

surprize of the expensive manner in which the young servants of the Company lived. The friends and relatives of many of them had complained to it 'of the large Draughts made on them'.[1] 'Those who have not such resources we apprehend', the Court continued,[2] 'must run in debt to their Banians,[3] the consequence of which will be that they will never be the free Masters of their own actions, and liable to be tempted to infidelity in the offices they are trusted with to extricate themselves from the difficulties in which their extravagancies involve them, This makes it an object of importance to us to have the expenses of the Young Servants reduced within moderate bounds, and we have therefore thought proper to establish the following regulations, which will have strictly conformed to'.

And the regulations referred to above were as follows[4] :—

'As soon as Apartments can be got ready in the new Fort, the Writers must be accommodated there and the allowance for House Rent must be struck off, and no Writer permitted to reside out of the new Fort without the express permission of the Governour, which must be minuted, together with the reasons upon your[5] Proceedings.

'No Writer shall be allowed to keep a Pallankin unless you[6] are fully convinced, that it is absolutely necessary for the preservation of his health.

'No Writer shall keep more than one Servant besides a Cook.

'No Writer shall be permitted to keep a Horse without the

[1] We may note here that, apart from what he used to earn from his trade, the total remuneration which the Company had directed to be paid to a writer in one of its letters, was, as will appear from the following extract therefrom, 400 current rupees per annum :—

'We do hereby direct that the future appointment to a writer for Salary Diet money & all allowances whatever be 400 Current Rupees per annum'.—From the Company's General Letter to Bengal, dated 3rd March, 1758, para. 131.

[2] See the Company's General Letter to Bengal, dated 24th March, 1767. [3] See Chapter VI; also Glossary.

[4] See the Company's General Letter to Bengal, dated 24th March, 1767, paras. 37-43. [5] I.e., the President and Council at Fort William.

[6] See the preceding foot-note.

express permission of the Govr[1] & that only if declared necessary for his health.

'No Writer shall be permitted either for himself or jointly with others to keep a Country House.

'With respect to Table Liquors we cannot pretend to form regulations for them, but must recommend to the Governour and Council to have a watchful eye over the Junior Servants in this respect, to check those who make themselves conspicuous in extravagance or intemperance.

'We hear much of the general extravagance in Dress. It is impossible for us to give particular directions on this article of Expense, which should be relative to rank and fortune, neither of which can entitle the young Servants to figure in it. We must depend on the advice and example our Senior Servants give to the Juniors, and that in this as well as in every other article of Luxury or Expense they conform to that system of Economy we are determined shall take place, and which ought to be chearfully entered into, as it is so evidently for their own advantage'.

These regulations are very interesting, and their object is obvious. And lest any attempt should be made to evade them, the Court further said[2] :—

'If any of our Writers refuse or decline to comply with the preceding Regulations or such as you[3] shall establish You are to suspend them from our Service and inform us of the particulars and then wait for our directions'.

It appears, however, from a subsequent letter of the Court, dated 25th March, 1772, that, in spite of the measures referred to above, many junior servants of the Company did not desist from contracting large debts as a result 'of their extravagance and dissipation', and that they even attempted to evade the obligation of the law in regard to debts, by managing to live outside the jurisdiction of the Mayor's Court at Calcutta. With a view to stopping these evils, the

[1] I.e., Governor.
[2] See para. 44 in the letter referred to in foot-note 4 on page 350.
[3] I.e., the President and Council at Fort William.

Court issued the following instructions on 25th March, 1772[1] :—

'Having reason to believe that sundry of our writers and Junior Servants do by reason of their extravagance and dissipation contract large debts which they are unable to discharge and that they attempt to Screen themselves from actions at Law by obtaining leave to reside at places where the Jurisdiction of the Mayor's Court does not extend; we cannot but be anxious to prevent a practice equally unjust in itself and injurious to the honour of our Service and as we deem such Servants utterly unworthy our favour and protection it is our positive command that if any of our Junior Servants shall, by endeavour to avoid prosecution from their creditors, be unable to attend the duty of their stations, they be immediately dismissed our service and sent to Europe and we expect and require that you use every legal means in your power to secure their effects for the benefit of their said respective creditors'.

Company's servants and Correspondence with Government's officers.

With the exception of a few 'employed in certain public stations', servants of the Company were strictly forbidden to carry on any correspondence with any officer of the Nawab's Government. This will be evident from what is stated below.

It was on June 25th, 1764, that at a Secret Consultation held at Fort William the Council resolved[2] that it should be 'established as a standing Rule to be observed at the Subordinate Factories and the Army' that 'no Servant of the Company Civil or military or any other person whatever residing' under its protection should be 'permitted to correspond with the nabob or the officers of his Government or to pay them visits in person without leave granted them by the Chief of the Factory or the Commander in Chief of the Army, who shall alone in the several Departments manage all transactions with the Government according to our former orders.'

[1] See the Company's General Letter to Bengal, dated 25th March, 1772 (received here on 12th October, 1772), para. 115.

[2] See the Secret Department Consultation, Fort William, Monday, 25th June, 1764.

The Council also agreed to 'write[1] accordingly to the Subordinates, the Commander in Chief of the Army and the Resident at the Durbar'.

And we also find the Select Committee at Fort William writing to Mr Francis Sykes, Resident at the Durbar and Chief of the Cossimbazar Factory, on 22rd November, 1765 :—

'SIR, ...

'We have already issued the most positive orders to all the Company's Servants, Civil as well as Military, to hold no intercourse or correspondence with any of the public officers, & therefore desire You will immediately inform us of the least complaint from the Ministers upon that head, that we may take effectual measures to enforce obedience'.[2]

Company's servants and the farming of lands.

The policy of the Company in regard to the question of allowing its servants to hold lands on their own account, either within or without its jurisdiction, had varied from time to time; ultimately, however, this privilege was denied to them as it was found that their enjoyment of it had not only resulted in the diminution of revenues accruing to the Company, but also led to many abuses on their part in some places.[3] This will be clear from what follows.

In its General Letter[4] to Bengal, dated 23rd March, 1759, the Court of Directors wrote to the President and Council: 'You did very right in forbidding Europeans holding the Farms of any Lands, Towns, or Villages without the Company's boundaries nor do we much approve of it within our own jurisdiction however as it sometimes may possibly

[1] See the Consultation referred to in the last foot-note.

[2] We may also note here that in its letter (para. 9), dated at Calcutta 31st January, 1766, the Select Committee informed the Court of Directors of the restriction it had imposed upon the servants of the Company in the matter of correspondence with the officers of the Nawab's Government.—See the Select Committee's letter to the Court of Directors, dated at Calcutta 31st January, 1766.

[3] Even servants who 'were themselves intrusted with the management of . . . . . revenues, and with the letting of . . . . . leases' took leases of lands.—See *Further Report from the Committee of Secrecy, House of Commons*, 1773.

[4] See para. 50 thereof; also *Further Report from the Committee of Secrecy, House of Commons*, 1773, Appendix 66. The italics are ours.

prove of Public Advantage to have monied men not in our service to be competitors, we do not lay you under restrictions (as) to such Persons but *we absolutely and positively forbid (our) Covenant Servants holding any lands, Towns, or Villages directly or indirectly either within or without our Jurisdiction or be interested in any Contracts with the Company for such shall assuredly forfeit our service* our reason for this restraint must be so obvious that an Explanation must be unnecessary'. Before, however, this letter reached Bengal, some of the servants of the Company had taken lease of 'a part of the lands' of Calcutta and the Twenty-four Parganas when the Company's lands in Calcutta and the Twenty-four Parganas had been let for three years by public auction by the relevant authorities.[1] This had been possible because the Court had not previously imposed any restrictions upon the servants of the Company in regard to the taking of leases of lands by them.

By its General Letter to Bengal, of 13th March, 1761, however, the Court removed[2] the restriction it had imposed upon its servants in the matter of the farming of lands by them, by its General Letter of 23rd March, 1759. It wrote therein to the Governor and Council at Fort William: 'We . . . revoke all restrictions & if you are perfectly satisfied that no inconvenience can arise from our servants farming any part (of the Company's territories), we shall not object to it: but then assign your reasons, for our observation'. And we find in a Report[3] of a Parliamentary Committee that 'farms were afterwards held by the Company's servants both in the Calcutta Purgaunahs,[4] and in the districts[5] ceded by Cossim Aly Khan'. But the Court changed its policy in 1766 as it had been reported to it that the privilege

[1] '*Further Report from the Committee of Secrecy*', *House of Commons, 1773*.

[2] See para. 57 thereof; also see '*Further Report from the Committee of Secrecy*', *House of Commons*, 1773, Appendix 67.

[3] '*Further Report from the Committee of Secrecy*', *House of Commons, 1773*.

[4] I.e., Calcutta and the Twenty-four Parganas.

[5] I.e., Burdwan, Midnapore, and Chittagong

it had granted to the Company's servants in the matter of the farming of lands, had been grossly abused by many of them. In its letter to the President and Select Committee at Fort William, dated 17th May, 1766, the Court stated [1] :—

'We have on a former occasion in Our Letter of the 13th March 1761 Paragraph 57 [2] permitted Our Servants to bid at the Public Sale of the Calcutta Lands but we could not conceive such an indulgence could ever be construed to admit Servants employed in the Collection of the Revenues of a Province to select out the most profitable Lands for themselves for such is the light in which this Transaction appears to us, & it is one more striking proof of the general corruption with which all ranks were tainted and of the ill use that has been made of every indulgence—We direct a strict scrutiny into this affair, and if it proves true that you will make a proper example of the offenders by dismissing them our service'.

'This Transaction', the Court continued,[3] 'convinces us of the necessity of shutting the door to abuses and we therefore positively order that no Covenanted Servant or Englishman residing under our protection shall be suffered to hold any Land for his own account directly or indirectly in his own name or that of others or to be concerned in any farms or Revenues whatever'.

We also find in the Proceedings of the meeting of the Select Committee held at Fort William on 5th October, 1765, that, in consequence of a representation[4] made by Mahomed Reza Cawn, the Committee had prohibited the servants of the Company acting under the Chiefs of subordinate factories and the Commanding Officers of Brigades, from holding lands

[1] In para. 18.

[2] See page 354 *ante*.

[3] See the Court's letter to the President and Select Committee at Fort William, dated 17th May, 1766, para. 19.

[4] See page 337 (foot-note 1) *ante* for a copy of this representation. One of the requests which Mahomed Reza Cawn had made in his letter was that 'none of the dependants' of the English factories at Jahangeer Nuggur, Luckypoor, etc., should be allowed to hold any farms. See page 337 (foot-note 1) *ante*.

on pain of suspension from the Company's service, and had enjoined both 'the Chiefs and several Agents at the subordinate settlements to confine themselves strictly to the Business of the Company's Trade and their own'.[1] This action on the part of the Select Committee had not been really incompatible[2] with the decision of the Court of Directors on the question of the holding of lands by its servants, as embodied in its General Letter of 13th March, 1761, to the Governor and Council of Fort William.

Restriction, a salutary principle.

Regard being had to its position in Bengal in the sixties of the 18th century, it is perhaps not necessary to point out here that the restriction imposed by the Company upon its servants in the matter of their holding any lands either from itself or otherwise, also embodied a very wholesome principle of public administration. It not only helped to free the administration of the Company in Bengal from many corrupting influences, and to increase its revenue, but also tended to remove an important source of oppression of the peasantry of the province. After its victories at Plassey and Buxar, and specially after its acquisition of the Diwani of Bengal, Bihar and Orissa, the Company became in fact, as we have seen before, the supreme authority in these provinces. As members of the virtually ruling race, its servants would, if allowed to hold lands on their own account, be often tempted in their natural arrogance to abuse their privileged position to the oppression of the people. And the latter would

[1] Moreover, we find that at a Secret Consultation held at Fort William on 17th October, 1764, the President and Council reaffirmed the following resolution adopted at the Consultation (Public, Fort William) of 5th March, 1763:—

'That none of our Servants, or Dependents, or Persons residing under our Protection shall be permitted to *hold any Lands*, Gunges, Rents, or Employments of any kind from the Country Government.

'That such however as have inherited Talooks from purchase or other good rights shall not be obliged to give them up, but hold them as other Talookdars in the country being informed once for all that in respect to such Rents held from the Government they are not to avail themselves of Our Protection to invest them with any particular privileges'. (The italics are ours.)

For the Indian terms in this foot-note see Glossary.

[2] See page 354 *ante*.

ordinarily have to submit to it helplessly. Such an abuse of their privileged position took place, as we shall shortly see, in connexion with their participation in the 'inland trade of Bengal, Bihar and Orissa', and, as a consequence, the people of this country terribly suffered.

Hours of work of a junior servant.

It may be interesting to note here that the Court of Directors issued instructions even in regard to such a minor matter as the number of hours for which a junior civil servant should be required to be in his office or station every day. The occasion for this instruction was a reply to a letter to itself, dated 7th December, 1754, in which the Governor and Council at Fort William had written that they would take care that all their junior servants were kept strictly employed, 'for which end' they 'had ordered the heads of the several offices to insist on their[1] attending their Business from Nine to Twelve in the Forenoon and in the afternoon and Evening when occasion requires'.[2] The Court stated[3] in reference to this:—'This Regulation to enjoin an attendance (short as it is) implies how remiss our Junior Servants had been in this particular, and indeed the Copying part of almost every Book and Paper received for some time past, strongly evince us of the Truth of it, they are done in such a Hurry, that in general they are unfit to be seen, and many are scarcely legible. It will be as well for the advantage of the Young People themselves as the Company, they be kept Regularly, Constantly and Strictly to Business, which We therefore most earnestly recommend, and possitively (*sic*) enjoin to Your Care and Attention to Effect, and if any of our Junior Servants Neglect or Refuse to do the business allotted them, You are without regard to Persons to suspend them from our Service, and not restore them without a satisfactory amendment. And We insist upon it, that all the Junior Servants do give their attendance

[1] I.e., the junior servants'.
[2] See the Company's General Letter to Bengal, dated 11th February, 1756, para. 91. It was addressed to the President and Council at Fort William.
[3] *Ibid*

in their respective Public Offices or Stations Six Hours in a day at least; and as much longer as shall be necessary'.[1]

[1] The Court added: 'We very well know that Indulging Writers with Pallankeens has not a little contributed to the Neglect of Business We complain of, by affording them opportunities of Rambling when they ought to be otherwise employed, as well as putting the greater part to an expence they are not in circumstances to support, and therefore since you have in a considerable Degree dispensed with our Orders on this Head, We shall expect it from you that this Indulgence be so strictly attended to that We may have no reason to complain of the abuse of it'.—See the Company's General Letter to the President and Council at Fort William in Bengal, dated 11th February, 1756, para. 91.

CHAPTER VI

CIVIL SERVICE—(*continued*)

CIVIL SERVANTS AND THE INLAND TRADE OF BENGAL[1]

As we have seen before[2], a civil servant of the Company could, under the terms of his covenant, freely 'trade and traffic, for his own Account only', subject to a few restrictions.[3] And we have also seen[4] how absurdly small was the salary which a writer used to receive from the Company. Further, we find in a speech of Lord Clive[5] delivered in the House of Commons on 30th March, 1772, that the salary of a Councillor was scarcely three hundred pounds per annum. 'And it is well known', he further said, 'that he cannot live in that country for less than three thousand pounds. The same proportion holds among the other servants'. Such 'absurdly small salaries',[6] together with their right to trade on their own account, led to many grave abuses and acts of oppression on the part of the Company's servants, particularly from after its victory at the battle of Plassey. As Gleig has rightly observed in his *Memoirs of Warren Hastings*,[7] 'When a new order of things arose (after 1757), and the English, by the setting up of Meer Jaffier, had become all powerful, abuses crept in which it was found difficult to counteract. The Company's servants, who then enjoyed the privilege of private trade, and looked rather to the profits arising from it than to their salaries for the means of acquiring a competency, not only covered their private speculations by passports drawn out in the Company's name, but permitted their servants and dependents to claim exemption

[1] See foot-note 1 on page 314 *ante* in this connexion.
[2] See pages 322-23 *ante*. [3] See pages 322-23 and 325-26 *ante*.
[4] See pages 318-19 *ante*.
[5] His actual words were:—'The salary of a Counsellor is, I think, scarcely three hundred pounds per annum'.
[6] See Ramsay Muir, *The Making of British India*, 1917, p. 36
[7] Vol. I, 1841, p. 98,

from internal duties on the same plea, and entered largely into the internal trade of the country. Now all this was in gross and unjustifiable violation of existing treaties. There was no sanction for it at all'.[1]

The abuses referred to above occurred both in connexion with the use of the privilege of what was known as the Dustuck,[2] by the Company's servants or their agents, and in connexion with their efforts virtually to monopolize the entire inland trade of Bengal. This will be evident from what follows.

Abuse of the Privilege of the Dustuck.

We shall first deal with the question of the abuse of the privilege of the Dustuck by the Company's servants or their agents.

Under the terms of the Farman[3] granted to the East

[1] Vansittart (*A Narrative of the Transactions in Bengal from the year 1760, to the year 1764*, Vol. I, 1766, pp. 24–25) has also said with reference to the trading facilities of the Company and its servants in Bengal after the battle of Plassey :—

'With respect to trade, no new privileges were asked of Meer Jaffier; none indeed were wanted by the Company, who were contented with the terms granted them in 1716 (1717?), and only wished to be relieved from the impositions to which they had been exposed from the arbitrary power of the Nabob. *However, our influence over the country was no sooner felt, than many innovations were practised by some of the Company's servants, or the people employed under their authority.* They began to trade in the articles which were before prohibited, and to interfere in the affairs of the country; of which the Nabob complained very frequently to the English resident at his court, and the governor of Calcutta, insisting particularly, that no one should be permitted to trade in salt and beetle-nut'. (The italics are ours).

Also see pages 373–78 *post*.

[2] Dustuck: A passport or permit or order. It usually meant the passport issued by the Governor at Fort William or the Chiefs of English factories, for the goods of the Company or of their servants, which exempted them from the payment of duties. (See Verelst, *A View of the English Government in Bengal*, Glossary).

'The Dustuck passes the goods by the different Custom Houses, which are called Chokies'.—From Mr Thomas Rumbold's answer to a question put to him by a Parliamentary Committee. (See the Commons' Report, Second, 26th May, 1772).

'In the English Company's affairs it (Dustuck) generally means the permit under their broad seal, which exempts goods from the payment of duties'.—Bolts, *Considerations on India Affairs*, Glossary.

[3] 'Farman' was the technical term for a grant made by the Mughal Emperor himself.

India Company in 1717 by the Mughal Emperor, Furruckhseer, the Company could carry on their trade in Bengal, Bihar and Orissa duty-free, on payment of a Peshcush[1], so far as these provinces were concerned, of Rs. 3,000 annually.[2] And 'by the connivance of the Bengal Government[3] and constant usage' the Company's covenanted servants enjoyed 'the same benefit as the Company with respect to their Export & Import Trade'.[4] The privilege of trading

[1] See Glossary.

[2] This is clear from the following extracts from the relevant Farman and Husbullhookum (see Glossary) :—

'I now direct and command, that whatever Goods or other Things the Company's Gomastahs may (throughout my Dominions) *either bring or carry away*, by Land or by Water, have free Egress and Regress, exempt from any Duties ; and in the same Manner they may buy or sell at their own Liberty ; in which Consideration, the Three thousand Rupees is to be annually paid a Pishcash and no more.'— From the Farman granted by the Mughal Emperor, Furruckhseer, in 1717 (' 27th of Mohurrum 5 Son of Year of his Reign ').

Also :—

'It is accordingly ordered, and they have obtained a gracious Phirmaun ; for which Reason this Husbullhookum is issued out ; that you (i.e., "all Mutsuddys in Government") do know, pursuant to the great Command, this Nation (i.e., the English) is free from all Custom, and that you do let them go on in their mercantile Affairs without Molestation, and receive a Pishcash of Rs. 3,000 annually at Hugely, in Lieu of Custom. Regard this well.—Written the 9th of the Moon Zeelhedge, the 5th Year of his Majesty's Reign.'—From a copy of a Husbullhookum under the Seal of the Cootbullmoolk, Prime Minister, etc. . . . . . . (The italics are ours.)

See Appendix 13 in this connexion.

Also see the Commons' Report, First, 26th May, 1772, Appendix 2.

It is clear from the above extracts that the English East India Company had to pay only Rs. 3,000 per annum for enjoying the privilege of trading duty-free in Bengal, Bihar and Orissa, and not Rs. 10,000 as Mr William Bolts has stated (*Considerations on India Affairs*, 1772, p. 61). The Company was required to pay Rs. 10,000 as Peshcush for enjoying the privilege of trading customs-free at the port of Surat.

For details see Appendix 13.

Also see the Commons' Report, First, 26th May, 1772, Appendix 2 ; also Vansittart, *A Narrative of the Transactions in Bengal*, etc., Vol. I, 1766, pp. 9-11 ; also Harington, *Analysis*, etc., Vol. I, p. 2.

[3] I.e., the Nawab's Government in Bengal.

[4] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 22. It was addressed to the President and Council at Fort William.

We also find in Bolts' *Considerations on India Affairs*, 1772, pp. 63–64, ' By constant usage, and the connivance of the Indian government, these Dustucks were always looked upon as, of right, belonging to the

duty-free, however, had been intended by the Mughal Emperor to be enjoyed by the Company in connexion with its import and export trade only. But its servants who had been allowed this privilege more or less as a matter of grace, not only claimed in course of time that they should be allowed to trade *in all*[1] *commodities* duty-free, but they also actually

covenanted servants of the Company also, for the carrying on of their own private trade.'

Also in Verelst (*A View of the English Government in Bengal*, 1772, p. 105) :—

'This privilege (of the Farman), while the English were wholly subordinate to the country government in Bengal, was confined to exports and imports, and under this limitation, enjoyed rather from connivance than of right, by the private traders in the Company's service.'

The fact is : what had originally been a matter of grace and connivance, came to be claimed in course of time as a matter of right by the covenanted servants of the Company.

[1] E.g., the majority of the Council at Fort William had declared that they (i.e., the English) would 'Trade in all Articles Custom free, as well from Place to Place, in the Country in Commodities produced in the Country, as in Foreign Imports & Commodities for Exportations.'—(See President Vansittart's and Warren Hastings's opinion in the Proceedings of the meeting of the Council held at Fort William on Thursday, 24th March, 1763 ; also Vansittart, *A Narrative of the Transactions in Bengal, from the Year 1760, to the Year 1764*, etc., 1766, Vol. II, pp. 316–98, and Vol. III, p. 73 ; also Ramsay Muir, *The Making of British India*, 1917, p. 73).

The view held by Vansittart (President and Governor) and Hastings on this question was very fair. In a joint letter, dated at Monghyr 15th December, 1762, they wrote to 'Peter Amyatt, Esquire and the rest of the Gentlemen of the Council of Fort William' :

'We have had many Conferences with the Nabob (Meer Cossim), on the Subject of the late Complaints, which appear to have been chiefly occasioned by the private Inland Trade, or the Trade from Place to Place, in the Country. He enlarged much on the Licentiousness and oppressions exercised by our Gomasthas. . . . . We agree with the Nabob in Opinion, that the true Intent and natural Meaning of the Firmaun granted to the Company, was to give to them and their Servants a free Trade, clear of all Customs, in all Articles of Commerce to be imported or exported by Shipping: From such Commerce a mutual Benefit is derived to our Country and to this ; but the Trade from Place to Place in the Country in Salt Beetle Nut, Tobacco, and other Commodities produced here, bringing no general Benefit to the Country, but to Particulars only, who had the same in their Hands, we do not think the Firmaun can be understood to include them within the Privilege of the Dustuck, or to grant us a Right to trade therein, on any other Footing than the Natives themselves ; that is, paying the usual customs to the Government ; for if we had a Right therein to trade Custom-free, and the Natives must pay, it follows, no one but ourselves could carry on any Trade, which we cannot suppose the Firmaun intended.

acted in accordance with their claim. Moreover, forged[1] dustucks were often used with a view to enjoying the privilege of trading duty-free. And many persons not in the service of the Company, also often managed to enjoy this privilege, apparently through some collusive arrangements with some servants of the Company[2]. As every student of Indian History knows, one of the main causes of the Company's conflict with Meer Cossim was this 'shameful Abuse of Dusticks'[3] in various ways, by many of its servants.

In his letter[4] to the Governor written from a place 'One coss beyond Baggulpoor', Hastings wrote to Mr Vansittart, Governor, on 25th April, 1762 :—

'Sir,—I beg leave to lay before you a grievance which

'It is Fact that the Nabobs of these Provinces did formerly restrain the Europeans from carrying on this Trade upon any Footing, and by farming out the several Articles to particular Merchants, draw to themselves a considerable Revenue.

'After the Defeat and Death of Seraja Dowla, and the Establishment of Jaffar Aly Cawn in the Subahship, by the assistance of the English, we began to take a share of this Trade, which share has been from Day to Day encreasing. It has, however, always been a Subject of Dispute with the Country Government, our Right never having been admitted by them, nor regularly claimed and established by us; and the Government's Duties have generally been paid.

'But not content with this, the English Gomastahs, in different Parts, have lately begun to insist upon this Trade as a Firmaun Privilege, equally with the Foreign Trade, and refused to pay any Customs: The Government's People, on their Part, demanded the Customs, and, upon the (*sic*) Refusal, stopped the Goods; and this contest has been the occasion of many of the Complaints received by us and by the Nabob . . . .

'We think it would be unreasonable to desire to carry on the Inland Trade upon any other Footing than that of the Merchants of the Country; and that the attempting to carry it on free of Customs, and with the Companys Dustuck, would bring upon us an universal Jealousy and ill will, and in the End prejudice the Company's Affairs as well as our own.'—*Vide* the Commons' Report, Third, dated 8th April, 1773, App. 32.

[1] See the Proceedings, Select Committee, Fort William, of 20th December, 1765; also the Proceedings, Select Committee, Fort William, of 19th February, 1766.

[2] See the Company's General Letter to Bengal, dated 3rd March, 1758, paras, 147–48. Also see pp. 370–72 *post*.

[3] This expression occurs in the Company's General Letter to Bengal, dated 30th December, 1763, para. 81.

[4] This letter has been fully quoted by Gleig in his *Memoirs of Warren Hastings*, Vol. I, 1841, pp. 107–110; also see Ramsay Muir, *The Making of British India*, 1756–1858, 1917, pp. 69–71.

calls loudly for redress, and will, unless duly attended to, render ineffectual any endeavours to create a firm or lasting harmony between the Nabob and the Company; I mean the oppressions committed under the sanction of the English name, and through the want of spirit in the Nabob's subjects to oppose them. This evil, I am well assured, is not *confined to our dependents alone*,[1] but is practised all over the country by people falsely assuming the habits of our sepoys, or calling themselves our gomastahs . . . . . I have been surprised to meet with several English flags flying in places whieh I have passed; and on the river I do not believe that I passed a boat without one. By whatever title they have been assumed (for I could only trust to the information of my eyes, without stopping to ask questions), I am sure their frequency can bode no good to the Nabob's revenues, to the quiet of the country, or the honour of our nation; but evidently tend to lessen each of them. . . . .'

And in his letter[2] to the Court of Directors, dated at Calcutta 30th September, 1765, Clive also observed that the 'Sources of Tyranny and oppression' which had been 'opened by the European Agents acting under the Authority of the Company's Servants, and the numberless Black Agents and Sub-Agents acting also under them', would, he feared, be 'a lasting Reproach to the English Name in this Country'. 'It is impossible', he continued, 'to enumerate the Complaints that have been laid before me by the unfortunate Inhabitants, who had not forgot that I was an Enemy to Oppression. The Necessity of securing the Confidence of the Natives, is an Idea I have ever maintained, and was in hopes would be invariably adopted by others; but Ambition, Success, and Luxury, have, I find, introduced a new system of Politics, at the severe expence of *English* Honour, of the Company's Faith, and even of common Justice and Humanity. The Orders, so frequently issued, That no Writers shall have the privilege of Dustucks, I have strictly obeyed; but I am sorry to inform you, that all the wished-for Consequences are not

[1] The italics are ours.

[2] Para, 12.

to be expected; the Officers of the Government are so sensible of our Influence and Authority, that they *dare not presume to search*[1] *or stop* a Boat, protected by the Name of a Company's Servant; and you may be assured that Frauds of that Kind, so easy to be practised, and so difficult to be detected, are but too frequent'.

The Court of Directors, it must be said here to its credit, made honest and sincere attempts to stop this abuse of the privilege of the Dustuck on the part of its servants, although, it has to be noted with regret, its attempts were not always very successful owing to the cupidity of many of those servants. For example, in its General Letter to Bengal, dated 3rd March, 1758, the Court wrote to the President and Council at Fort William: 'Dusticks have been scandalously Prostituted to the great prejudice of our Revenue, equally iniquitous and detrimental to the Nabob, many just Regulations have at times been ordered but never Executed, so cheap has our authority been held, however as we are determined never in future to pardon disobedience, we shall once more attempt to lay down such Rules, as will prevent abuses and preserve an harmony with the Mogul Government'.

The Court, therefore, ordered[2]: 'That the Custom Master do in future keep the Register of Dusticks and no Dustick be allowed but on oath made by the party demanding the same that the goods or merchandize specified be and are on his own proper account & that he does not directly or indirectly therein cover the Property of any of the natives of Bengal, Free Merchants or any others, excepting Our Investment Contractors bringing down our Goods (but not their own) and Our Covenanted Servants that the King or Moors Government be not defrauded of their just Duties and Revenues, That the said oath be tendered by our Custom Master, who shall attest the same at One Corner of the Dustick before it is presented

[1] The italics are ours.

[2] See the Court's General Letter to Bengal, dated 3rd March, 1758 paras 148–49. It was addressed to the President and Council at Fort William.

to the President for his signing and sealing. . . . . A Declaration must be drawn up from your repeated Standing Orders against the abuse of Dusticks and let the same be published in the different Languages by the usual method of affixing at the Fort Gate, thereby to evince the Government that such abuse were (*sic*) not only contrary to our knowledge but to our repeated injunctions and orders on that head'[1].

Again, in its General Letter[2] to the President and Council at Fort William, dated 17th December, 1762, the Court remarked: 'We are well assured, That one great reason of Writers neglecting the Company's Business is engaging too soon in Trade, this by the assistance of their Banians either furnishes them with the means for supporting extravagant Expences or lays an early·foundation for distressed Circumstances and improper Influences, The certain consequences of both which (*sic*) are & must be an inattention to and neglect of the Company's Business, We therefore positively order that none of the Writers have the benefit or liberty of Dusticks until the times of their respective Writerships are expired & commence Factors, with this exception however, That as some of them are older than usual in such a station to such You may grant the said liberty or benefit of Dusticks, but herein You are to take notice it is our meaning such liberty to extend only to the Writers who have fully attained or when they shall attain to the age of 21 years & not before, and provided they discharge their Duty during their continuance in the Station of Writers to your satisfaction'.

A little over a year later, the Court again wrote[3] to the President and Council at Fort William on 30th December, 1763, that, although it had not received any letter from them since the one bearing the date, 14th February, 1763, in which they had given 'some general Account of very disagreeable Altercations with the Nabob (of Bengal)', yet it had received 'Private Advices' to the effect 'that the Nabob having made repeated Complaints of the notorious Abuse of

[1] Also see page 349 *ante* in this connexion. [2] Para. 37.
[3] See the Company's General Letter to Bengal, dated 30th December, 1763, para. 81.

Dusticks by which he lost great part of his Customs, and having obtained no Redress he at once overset the Company's Servants by declaring all Goods Custom free so that now their Dusticks are of no use'. Unwilling as it always was 'to place too much Confidence in private Informations, these', the Court remarked, were 'too important to pass unnoticed'. If the information received by it through private sources were correct, it was natural, the Court also said, to think 'that the Nabob tired out (and) disgusted with the Ill Usage he has received has taken extraordinary Measure, finding that his Authority and Government are set at naught & trampled upon by unprecedented Behaviour of our Servants & the Agents employed by them in the several Parts of the Nabob's Dominions'. 'If We are right in Our Conjecture', the Court continued, 'We positively direct as you value your service that you immediately acquaint the Nabob in the Company's name that We *disapprove of every measure which has been taken in real prejudice to his Authority & Government particularly with respect to the Wronging him in his Revenues by shameful Abuse of Dusticks*,[1] & you are further to inform him that We look upon his & the Company's Interest to be so connected that We wish for nothing more than to have everything put on such a footing that the utmost harmony may be promoted & kept up between us'.

'In order to promote this Harmony', the Court concluded,[2] 'you are most heartily & seriously to take under your Consideration every real Grievance the Nabob lays under, to redress them to the utmost of your Power & prevent such Abuses in future, & with respect to the Article of Dusticks in particular, you are hereby *positively directed to confine this Privilege as nearly as possible to the Terms*[3] *granted in the Phirmaunds*,[4] & you are to give the Nabob all the assistance you can to reinstate him in the full power of collecting

[1] The italics are ours.
[2] See the Company's General Letter to the President and Council at Fort William, dated 30th December, 1763, para. 82.
[3] See pages 360–62 *ante*.
[4] The italics are ours. The word 'Phirmaunds' means Farmans.

and receiving his Revenues which as Subah he is justly entitled to '.

Unfortunately, the information which the Court had received from private sources was correct. The abuse of the privilege of the Dustuck had continued, although it had directed it to be stopped. And in spite of all endeavours on the part of Vansittart and Hastings to bring about a reconciliation between the Nawab and the Company, the majority of the Council at Fort William had determined, as noted before[1], that the English would 'Trade[2] in all Articles Custom free, as well from Place to Place, in the Country in Commodities produced in the Country, as in Foreign Imports & Commodities for Exportations'. Thus, the conduct of the Company's servants in the matter of the use of the privilege of the Dustuck had in a sense been endorsed by the Council[3]. The result had been, as Gleig has said,[4] that the Nawab had, 'in a paroxysm of fury, abolished[5] all the

[1] See page 362, foot-note 1, *ante*.

[2] See in this connexion President Vansittart's and Warren Hastings's opinion in the Proceedings of the meeting of the Council held at Fort William on Thursday, 24th March, 1763; also Vansittart, *A Narrative of the Transactions in Bengal, from the Year 1760, to the Year 1764*, etc., 1766, Vol. III, p. 73. It may further be noted here that in his letter to the Secret Committee of the Court of Directors, dated at Fort William 24th December, 1763, Mr Vansittart wrote that he apprehended that no remedy against the frequent causes of complaint in connexion with the question of the inland trade would be found effectual, 'but the restraining the private trade' on the part of the Company's servants 'in the manner mentioned' in his letter to the Court, of 8th October, 1763. And he had written in this letter of 8th October, 1763: 'If we will not be satisfied with less than shutting the country people out of every kind of trade and depriving the Government of their duty upon ourselves the universal odium of the inhabitants and the secret ill will of the Government I therefore think that one necessary regulation of your Honours to make will be that the Inland Trade, that is the Trade from place to place in the country in articles produced in the country shall not be carried on with the Company's Dustuck, but with that of the Country Government paying a duty as nearly as possible equivalent to what the Country merchants pay, and which I think will be found to be at least 9 p. Cent'.

Thus President Vansittart's attitude towards the question of the private trade by the Company's servants was very fair.

[3] See in this connexion Vansittart, *A Narrative of the Transactions in Bengal*, etc., 1766, Vol. II, pp. 316–98.

[4] See Gleig, *Memoirs of Warren Hastings*, Vol. I, p. 122.

[5] The relevant *sunnuds* were dated 5th March, 1763.—See the Council Consultation, Fort William, of 22nd March, 1763.

transit duties throughout his dominions' 'for the space of two years', and thus thrown 'open the inland trade to merchants of all nations'. Thereupon the Council at Calcutta had by a majority resolved that it should be insisted that the Nabob must revoke this order.[1] The ultimate consequence of all this was, as is well-known, war with Meer Cossim.[2]

The Court of Directors continued, however, issuing its directions for the stopping of the misuse of the privilege of the Dustuck by the Company's servants. In its General Letter[3] to Bengal, dated 8th February[4], 1764, the Court wrote to the President and Council at Fort William: 'As our Phirmaund Privileges of being Duty free, are certainly confined to the Company's Export and Import Trade only, You are to have recourse to and keep within the Liberty therein stipulated and given as nearly as can possibly be done, but as by the connivance of the Bengal Government[5] and constant usage the Company's Covenant Servants have had the same benefit as the Company with respect to their Export & Import Trade, we are willing they should enjoy the same and that Dusticks be granted accordingly, but herein the most effectual care is to be taken that no Excesses or abuses are suffer'd upon any account whatsoever, nor Dusticks granted to any others than our Covenant Servants as aforesaid, however notwithstanding any of our former Orders no Writer is to have the benefit of a Dustick until he has served out his full time of five years in that station. Free Merchants[6] and others are not entitled to, or to have the benefit of the Company's Dusticks but are to pay the usual Duties'.

[1] See the Council Consultation, Fort William, of 24th March, 1763; also Vansittart, *A Narrative of the Transactions in Bengal, etc., 1766, Vol. III*, pp. 58–76; also Ramsay Muir, *The Making of British India*, 1917, p. 74.

[2] Also known as Cossim Aly Khan. The name is also spelt as Mir Kasim.

[3] Para. 22.

[4] The last letter which the Court had so far received from Bengal had been dated 14th February, 1763.—See the Company's General Letter to the President and Council at Fort William in Bengal, dated 8th February, 1764.

[5] I.e., the Nawab's Government in Bengal.

[6] See page 332, foot-note 2, *ante*.

Further, when the Court received a copy of the new treaty into which the Company had entered, on 10th July, 1763, with Meer Jaffier Ally Khan[1] on the reinstatement of the latter[2] as the Nawab of Bengal, the Court observed in its General Letter[3] to Bengal, dated 1st June, 1764, that it had noticed that it had been agreed[4] that the English would 'carry on their Trade by means of their own Dustick free from all Duties, Taxes and Impositions in all parts of the Country excepting the Article of Salt on which a Duty of Two and a half p Cent is to be Levyed on the Rowauna or Hughly Market Price', and that 'the late Perwaunahs issued by Cossim Aly Cawn[5], granting to all Merchants the Exemption of all Dutys for the space of Two Years shall be reversed & called in & the Dutys collected as before'.

'These are Terms', the Court continued,[6] 'which appear to be so very Injurious to the Naboo and to the Natives, That they cannot in the very nature of them tend to anything but the producing general Heart Burnings & Dissatisfaction and consequently there can be little reason to expect the Tranquillity of the Country can be permanent'.

The misuse of the Dustuck, however, did not cease, and the Court again wrote[7] on 11th November, 1768, that it had

[1] I.e., Meer Jafar.

[2] He had been actually proclaimed Nawab for the second time on Friday, 8th July, 1763.

[3] Para. 55.

[4] The relevant clauses of the treaty of 10th July, 1763, referred to in the text above, ran as follows :—' I (i.e., the Nawab) do ratify and confirm to the English the privilege granted them by their Firmaun and several Husbulhookums, of carrying on their trade by means of their own Dustuck, free from all duties, taxes, or impositions, in all parts of the country, except the article of salt, on which a duty of 2½ per cent is to be levied on the Rowana or Hooghly market price'; and 'The late Perwaunahs issued by Cossim Ally Khan, granting to all merchants the exemption of all duties for the space of two years, shall be reversed and called in, and the duties collected as before'.—See clauses 3 and 8 of the treaty of 10th July, 1763, with Meer Jaffier.

[5] Meer Cossim (Mir Kasim).

[6] See the Company's General Letter to Bengal, dated 1st June, 1764, para. 56. It was addressed to the President and Council at Fort William.

[7] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 11th November, 1768, para. 90.

noticed in the Register of Dustucks the names of many persons who were not in the service of the Company.[1] This required, it said,[2] an explanation for it did not 'mean to vest' in its servants abroad 'a Power to confer such Privileges on any Person whatever not entitled thereto by being a Covenanted Servant'. And previously to this letter, the Court had written[3] to Lord Clive on 4th March, 1767, that it had stated in its letter[4] to the Select Committee that it still deemed the 'Firmaun of Furruckseer the boundary of our commercial Privileges'. 'We have never countenanced any other pretensions. The young servants growing up under . . . . bad examples leave us reason to believe that nothing but your Lordship's strong injunctions can restrain them from a point in which their profit runs so counter to their duty'.[5] Further, in its General Letter to Bengal, dated 24th March, 1767,[6] the Court warned that too great care could not be taken to prevent the abuse of the Dustucks with which its servants had been indulged. It,

[1] It is strange that such things happened although on 19th February, 1766, the Select Committee at Fort William had passed the following resolutions :—

'The Committee with a view to prevent the frequent abuses arising from forged and counterfeit dusticks having given directions for engraving a new dustick seal. Resolved that after the first day of June next all the old dusticks be repealed.

'That Dusticks shall in future be granted under the new seal by the president and the Chiefs of Dacca—Patna—Cossimbazar—and Chittagong only'.—*Vide* the Proceedings of the Select Committee, Fort William, of 19th February, 1766.

[2] See the Company's General Letter to Bengal, dated 11th November, 1768, para. 90.

[3] See the Court's letter to Lord Clive, dated 4th March, 1767, para. 5.

[4] Reference is to the following paragraph in the Court's letter to the Select Committee at Fort William, dated at London 4th March, 1767 :—

Para. 15. 'Our Servants seem to Entertain the idea that our Successes and our influence in the Country have for object the increase and protection of their Trade, this idea must be eradicated and they must be taught that the Phirmaund obtained from Furruckseer is still the boundary of our commercial privileges . . . We must . . . . . add that you transmit us yearly a copy of the Register of the Dustucks granted from the Presidency & from all the subordinates'.

[5] See the Court's letter to Lord Clive, dated 4th March, 1767, para. 5.

[6] Addressed to the President and Council at Fort William. Para. 45.

therefore, viewed it with pleasure, the Court added, that the Governor and Council at Fort William had given their attention 'to this very material affair by taking all the means' in their power 'punctually to adhere to such measures as may prevent such disputes in future with the Country Government, as have been heretofore with great justice complained of'.

Abuses, however, still continued, and the Court of Directors had once more to write[1] :—

'In the 90th Paragraph[2] of our advices of the 11th November last we expressed our displeasure at the irregularity committed in the granting Dustucks to Free Merchants and others—upon a further examination into the Register of Dustucks we perceive the abuses committed herein are got to that height, that it is become necessary to revoke all particular Indulgencies formerly granted ; and we do strictly forbid our President ever to grant a Dustuck for any goods or merchandize to or from the Inland Places to any but the Company's Covenanted Servants above the Rank of Writers, and such of the Writers who have attained the age of 21 years'.

It is clear from the foregoing extracts from the Court's letters to Bengal (and to Clive) how it made honest efforts to prevent the misuse of the Farman which the Mughal Emperor, Furruckhseer, had granted to the East India Company in 1717. It should be noted here that in October, 1764, the Council at Fort William also had taken some steps for the prevention of the misuse of the Farman by the Company's servants or their agents. On a representation[3] made by the Nawab of

[1] See the Company's General Letter to the President and Council at Fort William in Bengal, dated 17th March, 1769, para. 118.

[2] See pages 370–71 and foot-note 7 on page 370 *ante*.

[3] Article 2 of the Nawab's requests ran as follows:

'The state of the Budraca of Patna & the Putchootra of Moorshedabad (cutcheries into which The Governments Duties are paid) is this; That merchants refuse to pay the customary duties under cover of the Protection of the English Factories. Be pleased to send positive orders that they should pay the customary dues into the aforesaid Cutchery and that no protection should be granted to any one'.—See the Proceedings, Council, Fort William, Secret Department, of Monday, 17th October, 1764.

Moorshedabad, the Council had resolved at a Secret Consultation held at Fort William on 17th October, 1764, that the Nabob's officers should be 'permitted to stop all boats with goods not having the Company's Dustick and levy on them the established Duties, notwithstanding any English colors or peons they may have had granted them or assumed to themselves for Protection'; that 'boats passing with goods having the Company's Dustick shall shew the Dustick to the officer (s ?) of every Chokey who may demand a sight of it, and in case of a refusal to shew the Dustick the officer shall have liberty to stop the Boats until it is either shewn, or the Duties paid'; that the officer or any person 'authorized on his part to demand a sight of the Dustick shall not detain the Boats a moment if it is produced'; that 'the Dusticks which are thus to circulate Goods are to be signed by the Governor of Calcutta or the Chief of one of the Subordinate Factories, and sealed with their seal'; that it 'shall therefore be recommended to the Nabob to place an officer at each Chowkey who shall be capable not only of distinguishing such Dustick, but of certifying its having passed that it may not be liable to pass a second time'; that a list 'of the established Chowkeys and the duties leviable at them be asked of the Nabob for the sake of Information'; that 'whenever Goods exported from Calcutta shall arrive at the Place of their Consignment specified in the Dustick the Custom House Peons who accompanied them shall be strictly enjoined to return immediately from thence with the Dustick'; and that 'the same method must be observed at the subordinate Factories when Dusticks are granted from thence'.

The Company's Servants and the Inland Trade of Bengal, Bihar and Orissa.

Closely connected with the question of the misuse or abuse of the privilege of the Dustuck by the Company's servants or by the agents of the latter, was the question of their actual participation in the inland trade of Bengal, Bihar and Orissa. They not only claimed, and did actually enjoy, virtual exemption from internal duties, which easily enabled them to undersell the Indian merchants in their own country, they

also directly or indirectly traded in all kinds of commodities to the great loss and suffering of the people of these provinces. The political influence of the English from after their victory at Plassey considerably helped this. Clive himself admitted once[1] that the Company's servants (and their agents) had 'traded not only as merchants, but as sovereigns, and by grasping at the whole of the inland trade' had 'taken the bread out of the mouths of thousands and thousands of merchants, who used formerly to carry on that trade, and who are now reduced to beggary'.

We have seen before[2] that the Company allowed to its servants the privilege of private trade. This 'indulgence', however, was intended to be confined, under the Farman from Furruckhseer, to 'articles[3] of export and Import' only.

[1] See Clive's speech in the House of Commons on March 30th, 1772.—*The Parliamentary History of England from the Earliest Period to the Year 1803*, Vol. XVII, 1771-74 (Hansard, 1813).

[2] See pages 322-23 *ante*.

[3] I.e., articles imported into, or to be exported from, this country. This is evident from the following extract from the Court's letter to the Select Committee at Fort William, dated at London 4th March, 1767:—

'Our Servants seem to Entertain the idea that Our Successes and our influence in the Country have for object the increase and protection of their Trade, this idea must be eradicated and they must be taught that the Phirmaund obtained from Furruckseer is still the boundary of our Commercial privileges—The indulgence to our Servants of trade under that Firmaund must be confined to articles of export and Import, as expressed in the 16th Para of our Letter of the 24th December 1765 to which we expect the most implicit obedience'.

The relevant direction in the 16th paragraph of the Court's (separate) letter to the President and Council at Fort William in Bengal, dated 24th December, 1765, was:—'No Dusticks shall be given but for Articles of Import and Export, as was formerly practised'.

In this connexion the following remarks of Clive in the House of Commons on 30th March, 1772, are perhaps worthy of note:—

'Many years ago an expensive embassy was sent to Delhi, to obtain certain grants and privileges from the Great Mogul, in favour of the East India Company, and amongst others was obtained the privilege of trading duty free. The servants were indulged with this privilege, under the sanction of the Company's name.—The Company never carried on any inland trade. Their commerce has been confined to exports and imports only. It is impossible that the servants should have a more extensive right than the Company itself ever had. Yet they claimed a privilege of carrying on an inland trade, duty free. The absurdity of a privilege so ruinous to the natives, and so prejudicial to the revenues of the country, is obvious'.

As a matter of fact, however, these servants gradually so extended their trade, largely as a result of the political influence acquired by the Company in Bengal after 1757[1], as to include within its range almost all articles, not excluding even the necessaries of life of the people here. Moreover, with a view to making this trade as profitable as possible, they had recourse, directly or indirectly, even to oppressive acts. One or two illustrations would perhaps indicate the extensive nature of the trade carried on by the Company's servants in these provinces.

In a letter[2], dated at Calcutta 1st February, 1766, Clive wrote to the Court of Directors that he would repeat what he had stated in his previous letters to it, namely, that if some means were not 'devised to prevent the sudden growth of fortunes' among the 'younger servants' of the Company, the Government set up by it in Bengal would soon perish. 'If I cannot obtain belief', he continued, 'let futurity speak for me—Our influence is so extensive and the ways of acquiring fortunes by Trade only are so various that some bounds must be put to them. The whole trade of Bengal has I find been monopolized by your Servants, their agents and Gomastahs: Thousands of the natives are starving[3] for want of those their accustomed profits, which are now diverted, and confined to one particular channel, and the servants so far from making a moderate use of the power, which they enjoy through your influence, make not only the interest of the Inhabitants

[1] As Mr William Sumner said in the course of his evidence before a Parliamentary Committee:—

'The Revolution in 1756 (1757?) extended the Views of the Company's Servants to Advantages beyond what they had hitherto derived from a Trade confined to Imports and Exports, and from that Period they began to participate in the Benefit of an Inland Commerce; and some even, in those early Days of our Influence, entertained Hopes of a Right, founded upon our Phirmands, to an Exemption of Duties upon Salt'.—See Mr Sumner's evidence in the Commons' Report, Fourth, 21st April, 1773.

And we also find in the Report of the said Parliamentary Committee: 'Your Committee find, from the Evidence of Mr. Batson, that the English began to trade in Salt about the End of the year 1757, and that it soon became general'. See the Commons' Report, Fourth, 21st April, 1773; also see page 360, foot-note 1.

[2] Para. 17.

[3] Also see pages 438–39 *post*.

subservient to their own will but the interest of the Company also—They are even of opinion that the advantage of Trade which I have always considered as an indulgence of yours to them is as much their right as the Company's (*sic*) I learn from very good authority that there are not less than 800 Factories established throughout the Country by your Servants, or by their agents, who either carry on the Trade for their masters or for themselves under the sanction of their masters name. Judge now whether this Governt continued upon such a plan can long subsist'.

We also find in a letter to the Select Committee[1] at Fort William, from Mahomed Reza Cawn that 'the Zemindars of the pergunnahs of Radshoy Ruccumpoor and other districts in the Soubah of Bengal' had complained that 'the factories of English Gentlemen in the Purgunnahs are many and their Gomastahs are in all places and in every village almost throughout the province of Bengal'; that 'they trade in linen—chunam, mustard seed, tobacco, Turmerick, oil, rice, hemp, gunnies, wheat etc.—in short in all kinds of grain, linen and whatever other commodities are produced in the country'; that 'in order to purchase these articles, they force their money on the Ryots, and having by these oppressive means bought their goods at a low rate, they oblige the inhabitants and shopkeepers to take them at an high price, exceeding what is paid in the market'; that 'they do not pay the customs due to the Sircar, but are guilty of all manner of seditious and injurious acts'; that 'it is by these iniquitous practices that the people of the Country have been ruined and driven to flight & that the revenues of the Sircar have been injured'; and that 'there is now scarce anything of worth left in the country'. If justice were not done in these cases, how, he asked, would it be 'possible in future to collect the duties of the Government or its revenues'? 'All the Zemindars', concluded Mahomed Reza Cawn, 'make the above complaint and what I have herein written is only an

[1] See the Proceedings of the Select Committee at Fort William, dated 19th February, 1766.

abridgement of the accounts given in at large by them of violence and oppressions. As it is requisite for the prosperity of the country and the well-being of its inhabitants as also for the obtaining the full revenues and duties that the poor, Etc. have justice done them and that disturbances be put an End to, I have therefore represented these matters to you'.

Further, the 'Vaqueel of the Zemindarry of Coorzoorgomedpore Pergunnah' (Buckergunge) sent[1] in a petition to the Council at Fort William 'complaining of violent oppressions of the English merchants and agents residing at Backerganj Sootabloory and other places in the Woods'. Among other things, he stated in the petition: 'By reason of the oppressions of the Factories of the Company and many other English Traders . . . . . . all the Inhabitants are fled. The people of the Factories take from the markets what they please at half price, cut down Bamboos and Trees belonging to the Inhabitants, and take them away by force, if any one complains, they punish him for it. They press the Inhabitants and Carry them into the woods of Soonderbun paying them only half their wages. They take possession of Lands in the Soonderbun and make Tafsels[2] of salt for which they pay no rents, etc.'

The result of all this, together with the effect of the abuse of the privilege of the Dustuck, as shown before, must have been, as Prof. Ramsay Muir has rightly[3] said, 'the ruin of all the Indian merchants'.[4] Further, taking advantage

[1] See the Consultation, Secret Department, Fort William, of 7th May, 1764.

[2] Perhaps Tehsil or Tahsil, meaning collection.

[3] *The Making of British India*, 1917, p. 38.

[4] Commenting on the effect of the participation by the Company's servants in the inland trade of this country, the Ninth Report (June 25th, 1783) from the Select Committee of the House of Commons on the Affairs of India, observed:—

'The Company's Servants, armed with Authorities delegated from the nominal Government, or attended with what was a stronger Guard, the Fame of their own Power, appeared as Magistrates in the Markets in which they dealt as Traders. It was impossible for the Natives in general to distinguish, in the Proceedings of the same Persons, what was transacted on the Company's Account, from what was done on

of this confused state of things, the gomastahs of the Company's servants would, it appears,[1] even 'for their own affairs and concerns send Sepoys upon the Ryots . . . oppress them . . . (and) force them to purchase their goods'.

It should be said, however, to the credit of the Court of Directors that it made early attempts to put an end to the state of affairs described above. In its General Letter to the President and Council at Fort William, dated 8th February, 1764, the Court expressed[2] its 'great concern' to find that 'the conduct and behaviour' of many of its servants had been 'inconsistent with their Duty to, & detrimental to the Interest of the Company, in a variety of Instances . . . . . particularly with respect to the present[3] Subah of Bengal Cossim Àly Khan, with whom it is most evident the strictest friendship and harmony ought to have been cultivated, instead whereof', it said, he and his Government had 'met with so much improper and injurious Treatment, and been defrauded in his Revenues by the Licentious Trade' of its 'Servants and the Agents acting under & countenanced by them, to so great a degree' that it dreaded

their own . . . . The Servants . . . . . for themselves, or for their Employers, monopolized every Article of Trade, Foreign and Domestic; not only the raw Merchantable Commodities, but the Manufactures; and not only these, but the Necessaries of Life, or what, in these Countries, Habit has confounded with them; not only Silk, Cotton, Piece Goods, Opium, Saltpetre, but not unfrequently Salt, Tobacco, Betel Nut, and the Grain of most ordinary Consumption. In the Name of the Country Government they laid on or took off, and at their Pleasure heightened or lowered, all Duties upon Goods: The whole Trade of the Country was either destroyed, or in Shackles. The Acquisition of the Duanne, in 1765, bringing the English into the Immediate Government of the Country, in its most essential Branches, extended and confirmed all the former Means of Monopoly'.

[1] See the Bengal Secret Consultation, Foreign Department, Fort William, of 2nd January (Monday), 1764.

[2] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 1.

[3] The Court of Directors had not yet heard of the reinstatement of Meer Jaffier Ali Khan (Meer Jafar) as the Nawab of Bengal 'by the deposal of Meer Mahomed Cossim Khan' (Meer Cossim). (*Vide* the Treaty between the Company and the Nawab of Bengal, dated at Fort William 10th July, 1763). As a matter of fact, the last dispatch which the Court had received from the President and Council at Fort William, before it wrote its General Letter to Bengal, on 8th February, 1764, had been dated 14th February, 1763.

the consequences. 'It is high time therefore', the Court continued, 'to remedy these Evils by exerting our authority in removing such Persons, who if continued would (from what we have already observed of their behaviour) throw our Affairs into the utmost confusion, and by appointing such others in their room, from whose good management we shall expect such care & attention to the true Interest of the Company that we may not again be under the necessity of recurring to such a disagreeable measure'.

In the course of the same letter, the Court also said[1] that one great source 'of the Disputes misunderstandings & difficulties' which had 'occurred with the Country Government', appeared 'evidently to have taken its rise from the *unwarrantable and licentious manner*[2] of Carrying on the Private Trade by the Company's Servants, their Gomastas, Agents and others to the prejudice of the Subah both with respect to his authority and the Revenues justly due to him'. Further, it disapproved[3] of 'the diverting and taking from his natural subjects the Trade in the Inland Parts of the Country, to which neither' it nor any persons whatsoever dependent upon it or under its protection had 'any manner of Right', as this might endanger 'the Company's very valuable Privileges'. With a view, therefore, to remedying 'all these disorders', it 'positively' ordered and directed as follows:—

'That from the receipt of this Letter a final and effectual end be forthwith put to Inland Trade in Salt, Beetlenut (*sic*), Tobacco, and in all other Articles whatsoever produced & consumed in the Country, and that all European & other Agents or Gomastahs who have been concerned in such Trade be immediately order'd down to Calcutta and not suffer'd to return or be replaced as such by any other Persons[4].'

'That as our Phirmaund Privileges of being Duty free, are

[1] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 20.
[2] The italics are ours.
[3] See the Company's General Letter to the President and Council at Fort William, dated 8th February, 1764, para. 20.
[4] *Ibid.*, para. 21.

certainly confined to the Company's Export and Import Trade only, You are to have recourse to and keep within the Liberty therein stipulated and given as nearly as can possibly be done . . . .'[1]

'As no Agents or Gomastahs are to reside on account of Private Trade at any of the Inland parts of the Country, all Business on account of Licensed Private Trade is to be carried on by and thro' the means of the Company's Covenant Servants resident at the several subordinate Factories, as has been usual.'[2]

Continuing, the Court observed that it was under the necessity of issuing these orders 'in order to preserve the Tranquility (*sic*) of the Country and harmony with the Nabob'; and that 'they' were intended to be 'rather outlines than compleat directions which' the President and Council at Fort William were directed by the Court 'to add to and improve upon' agreeably to the 'spirit' and 'meaning' of those orders, as far as this might be 'necessary to answer the desired purposes'. 'And if any person or persons', the Court said in conclusion, 'are guilty of a Contravention of them be they whomsoever they may, if our own Servants they are to be Dismissed the Service, if others the Company's Protection is to be withdrawn and you[3] have the liberty of sending them forthwith to England if you judge the nature of the Offence requires it'.[4]

In its General Letter[5] to Bengal, dated 22nd February, 1764, the Court enjoined that due obedience should be paid to its 'Directions with respect to Private Trade', as contained in its General Letter to Bengal, of 8th February, 1764.

In his letter[6] to the Court, dated at Berkeley Square

[1] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 22. Also see page 374 *ante* in this connexion.
[2] *Ibid.*, para. 23.
[3] I.e., the President and Council at Fort William.
[4] See the Company's General Letter to Bengal, dated 8th February, 1764, para. 24.
[5] Addressed to the President and Council at Fort William. Para. 110.
[6] See the Commons' Report, Fourth, 21st April, 1773, Appendix No. 2; also William Bolts, *Considerations on India Affairs*, Appendix XLI.

27th April, 1764, Clive, after intimating his acceptance of the office of Governor of Bengal, recommended that the servants of the Company should be 'absolutely forbid to trade' in salt, betel-nut[1] and tobacco as it had been 'one cause' of the disputes of the Company with Meer Cossim. This would he thought be 'striking at the Root of the Evil'. 'The Prohibition of Dustucks to your junior Servants', he also wrote to the Court, 'will, I hope, tend to restore that Œconomy which is so necessary in your Service. Indeed, if some Method be not thought of, and your Council do not heartily co-operate with your Governor, to prevent the sudden Acquisitions[2] of Fortunes, which have taken Place of late, the Company's Affairs must greatly suffer'.

As we shall shortly [3] have an occasion to see in detail, the Court issued further directions in regard to the private trade of its servants by its General Letter to Bengal, of 1st June, 1764.

Referring, again, to the views of some of the Councillors at Calcutta on the question of the right of the Company's servants to participate in the inland trade in such articles as salt, betel-nut and tobacco under the authority of the Mughal Farman, the Court stated in its General Letter[4] to Bengal, of 26th April, 1765, that 'Treaties of Commerce are understood to be for the mutual Benefit of the contracting Parties'. 'Is it then possible to suppose', it asked[5], 'that the Court of Delhi, by conferring the Privilege of Trading free of Customs, could mean an Inland Trade in the commodities of their own Country, at that period unpractised & unthought of by the English, to the Detriment of their Revenues, and the Ruin of their own Merchants. We do not find, such a Construction was ever heard of until our own servants first invented it, and afterwards supported it by violence; neither could it be claimed by the subsequent Treaties with Meer

[1] Clive used the word "beetle". Presumably, he meant betel-nut.
[2] In Bolts's book (referred to in foot-note 6 on page 380), the word is 'acquisition'.
[3] See pages 389–90 *post*.
[4] Para. 23. The letter was addressed to the President and Council at Fort William.
[5] See *ibid*.

Jaffer, or Cossim Ally which were never understood to give one additional Privilege of Trade beyond what the Phirmaunds expressed. In short, the specious Arguments used by those who pretended to set up a right to it, convince us that they did not want Judgment but virtue to withstand the Temptation of suddenly amassing great Fortune, althô acquired by means incompatible with the Peace of the Country, and their Duty to the Company'.

The Court equally condemned [1] the conduct of those 'who acknowledging they had no Right to it, and sensible of the ill consequences resulting from assuming it', had nevertheless carried on the inland trade in salt, betel-nut and tobacco, and 'used the authority of the Company to obtain by Treaty exacted by violence a sanction for a Trade to enrich themselves without the least Regard or advantage to the Company whose forces' they had 'employed to protect them in it'. 'All Barriers', said the Court in conclusion [2], 'being thus broken down between the English & the Country Government, and everything out of its proper Channel (*sic*). We are at a loss how to prescribe means to restore order from this confusion, and being deprived of that confidence which We hoped We might have placed in those servants who appear to have been the actors in these strange scenes, We can only say, that We rely on the zeal & abilities of Lord Clive and the Gentlemen of the Select Committee to remedy these Evils. We hope they will restore our Reputation among the Country Powers and convince them of Our abhorrence of oppression and Rapaciousness'.

No less strong was the condemnation by the Court of the conduct of its servants in regard to their private trade, conveyed by its Separate Letter [3] to Bengal, dated 24th December, 1765. 'Your deliberations on the Inland Trade', it wrote therein [4] to the President and Council at Fort

[1] See the Company's General Letter to Bengal, dated 26th April, 1765, para. 24.
[2] *Ibid.*, para. 26.
[3] Addressed to the President and Council at Fort William.
[4] Para. 10.

William, 'have laid open to us a scene of most cruel oppression, and which is indeed exhibited at one view of the 13th Article of the Nabobs Complaints mentioned thus in Your Consultation of the 17th October 1764[1] "The Poor of this Country who used always to deal in Salt, Beetlenutt & Tobacco are now deprived of their daily Bread, by the Trade of the Europeans, whereby no kind of advantage accrues to the Company, & the Governments Revenues are greatly injured". We shall for the present observe to you that every one of our servants concerned in this Trade has been guilty of a breach of his Covenants and a disobedience to our orders. In your Consultation of the 3rd May,[2] We find among the *various extortionate practices, the most extraordinary one of Burjaut, or forcing the natives to buy Goods beyond the market price,*[3] which you there acknowledge to have been frequently practised'. The Court considered the privileges of the inland trade claimed by the Company's servants as unwarranted. The claim was 'greatly to the prejudice of the Company by involving their affairs in Distress & Difficulties, and manifestly injurious to the Country Government'.[4] 'We shall say nothing further at present on the Inland Trade', the Court went on,[5] 'till that important subject shall have been taken up by Lord Clive and the Gentlemen of the Select Committee, only (*sic*) to observe, that the Regulations proposed in Consultation[6] the 17th October 1764 of confining[7] the Trade of Our Servants in the article of Salt to the Capital Cities of Patna, Dacca & Moorshedabad on paying the Nabob 2½ p. Cent is a manifest Disobedience of our orders of the 8th February[8] then under your deliberation

[1] Reference here is to the Proceedings of the Council at Fort William in its Secret Department, dated 17th October, 1764. See pages 384–85 *post.*

[2] 1764. Reference here is to the Proceedings of the Council at Fort William in its Secret Department, dated 3rd May, 1764.

[3] The italics are ours.

[4] See the Company's Separate Letter to Bengal, dated 24th December, 1765.

[5] *Ibid.*, para. 15.

[6] Reference here is to the Consultation, Secret Department, Fort William, of 17th October, 1764.

[7] See pages 385–86 *post.*

[8] 1764. See pages 378–80 *ante.*

which positively forbid all Trade in Salt, Beetlenutt & Tobacco—nor does it by any means obviate the Nabob's objections arising from the Distresses of the Poor & the Injury to his Revenues, for if you pay only 2½ p. Cent and the Country People 20, or perhaps 40 p. Cent it is as much a monopoly as ever'.

As we have seen before[1], in its letter of 4th March, 1767, to the Select Committee at Fort William, the Court repeated its previous instructions on the question of private trade by the Company's servants: 'Our Servants seem to Entertain the idea that Our Successes and our influence in the Country have for object the increase and protection of their Trade, this idea must be eradicated and they must be taught that the Phirmaund obtained from Furruckseer is still the boundary of our Commercial privileges—The indulgence to our Servants of trade under that Firmaund must be confined to articles of export and Import, as expressed in the 16th Para[2] of our Letter of the 24th December 1765 to which we expect the most implicit obedience.' And in a separate letter to Lord Clive, of the same date, the Court expressed its belief that nothing but His 'Lordship's strong injunctions' could restrain its young servants 'from a point in which their profit runs so counter to their duty'.[3]

It should also be noted here that the Nawab of Moorsheda-bad had sent a representation to the Council at Fort William, stating his grievances in connexion with the inland trade of Bengal. Among other things, he stated therein:[4]

'The English Gomastahs in the Districts of Dacca Rungamatty, Chilmary, and Bakergunge etc. force Tobacco and other goods upon the Talookdars and Ryots whereby the

[1] See page 374, foot-note 3, *ante*.

[2] Reference here is to the following portion of the said paragraph:—

'No Dusticks shall be given but for Articles of Import and Export, as was formerly practised'.—See the letter from the Court to the President and Council at Fort William, dated 24th December, 1765.

[3] See the Court's Letter to Lord Clive, dated at London 4th March, 1767.

[4] See Articles 6 and 13 of the Nawab's Requests: *vide* the Consultation, Secret Department, Fort William, of 17th October, 1764.

Country is desolate and a very heavy loss falls upon the Sircar. It is proper that a stop should be everywhere put to this oppression that the Country may flourish and the Inhabitants may everywhere pay their Rents in security and my Revenues may not suffer '.

' The Poor of this Country who used always to deal in Salt Betelnut and Tobacco are now deprived of their daily Bread by the Trade of the Europeans whereby no kind of advantage accrues to the Company and the Governments Revenues are greatly injured '.

In consequence of these complaints by the Nawab and also in consequence of the Court's letter of 8th February,[1] 1764, which had arrived in Bengal on 13th July, 1764,[2] the President and Council resolved at a Secret Consultation held at Fort William on 17th October, 1764, as follows :—

' It is resolved that the Inland Trade that is the articles produced in one part of the Country to be carried for sale and consumption to another shall in general be prohibited with such exceptions as shall appear to the Board may be permitted (*sic*) without the danger of creating disputes with the Government, or depriving the Nabob of his just Rights.

' After mature consideration of the subject and recollection of all the disputes that have happened and the complaints which have been made by the Government since this Inland Trade has been taken up we think that one and one only exception can be made consistently with the Company's orders, and that is that it may be permitted to the Company's servants to send Salt and Betelnut for sale to the Factories of Patna Cossimbazar and Dacca, or the Capital Cities of Patna, Moorshedabad and Dacca thereunto adjoining paying to the Country Government on the article of Salt the duties[3] agreed on with the Nabob in the last Treaty and on

[1] See the Consultation, Secret Department, Fort William, of 17th October (Monday), 1764.

[2] See the Commons' Report, Fourth, 21st April, 1773.

[3] I.e., the duty of 2½ per cent on the Rowana or the Hooghly market price of salt. See the terms of the Company's Treaty with Meer Jaffier Ali Khan, dated 10th July, 1763.

Also see page 370 (and foot-note 4 thereon) *ante*.

the article of Betelnut a like duty of 2½ per Cent on the price of the Chandpore market, and a Company's Dustick shall be given them along with the Nabob's Rowanna'.[1]

The Council also agreed that the above resolution should be 'recited in (a) Letter to be immediately wrote to Dacca, Chittagong, Midnapore and Burdwan, with directions to carry the same into Execution so far as regards their respective factories'[2].

In regard to the oppressive practice of 'Burjat' or 'Geuchoot'[3], the Council 'Ordered [4] in the strictest manner that no person Trading under the Company's protection shall on any pretence force the merchants or people of the Country to buy goods which they do not want or to give a price above the market, and whoever shall be found to be guilty of infringing this order shall be punished with the utmost Rigour'. And with a view to giving effect to this order, the Council also resolved[5] that its Secretary should make the above decision known to the public and that 'the Nawab be desired to make it known to his officers directing them to complain to the nearest English Factory if any such attempts should be made by English Gomastahs within their jurisdiction'.[6]

[1] The Council further resolved: 'The Company's servants who shall Trade in Salt to the places hereinbefore expressed shall take the greatest care that their Gomastahs do deliver up the Dustick to the Company's Chief and the Rowanna to the Naib of the Government on the Salts being landed at the Factory or City to which it is consigned'.

The object of this resolution was to ensure that 'the Salt shall be actually bonafide sold at one of the foresaid Factories or Cities, and not circulated through the Country under the influence of the English name or Dustick'.—See the Consultation, Secret Department, Fort William, of 17th October, 1764.

[2] See *ibid.*

[3] Burja = 'Selling goods by force for more than the current market price': a practice (also) called 'Guchaout'. Also see page 383 *ante*.

[4] See the Consultation, Secret Department, Fort William, of 17th October, 1764.

[5] See *ibid.*

[6] We also find in a General Letter to the Court of Directors, dated at Fort William 16th August, 1773:—

'We (i.e., the President and Council) caused a publication to be issued in every part of the Country setting forth that all Weavers and

Society or Committee of Trade.

We shall now say, in connexion with the question of the inland trade, a few words regarding the Society or Committee of Trade[1] which was first instituted in 1765. Briefly speaking, it originated in the circumstances stated below.

We have seen before[2] that the Court of Directors in its General Letter[3] to Bengal, dated 8th February, 1764, directed that from the receipt of the said letter 'a final and effectual end be forthwith put to the Inland Trade in Salt, Beetlenut (*sic*), Tobacco, and in all other Articles whatsoever produced & consumed in the Country, and that all European & other Agents or Gomastahs who have been concerned in such Trade be immediately order'd down to Calcutta and not suffer'd to return or be replaced as such by any other Persons;' and that the Court reiterated this direction in its General Letter[4] to Bengal, of 22nd February, 1764. Further,

manufacturers should be at full liberty to Work for whom they pleased and on no pretence whatever be obliged to receive advances against their inclination either from the Company or private merchants with a reserve however of completing such engagements as they have already entered into.

'We further resolved that if any covenanted servant should attempt to force advances upon the Weavers or Exercise any undue authority to make them enter into Engagement or Work against Will, he should be suspended your service and that any Collector neglecting to give the natives redress on complaint being made to him for that purpose, should be removed from his station.'

[1] Apart from the contemporary, relevant manuscript documents, a good deal of information regarding the Society of Trade may be had from :—

(*a*) the ***Fourth Report*** from the Committee appointed by the House of Commons to enquire into the Nature, State and Condition of the East India Company and of the British Affairs in the East Indies, dated 21st April, 1773.

(*b*) Verelst, *A View of the English Government in Bengal*, 1772, Chapter IV.

(*c*) William Bolts, *Considerations on India Affairs*, 1772, Chapter XIII.

(*d*) Lord Clive's Speech in the House of Commons on 30th March, 1772, in *The Parliamentary History of England from the Earliest Period to the year 1803*, Vol. XVII, 1771-1774, London (Printed by T. C. Hansard, 1813).

We also find that in an article on the 'History of Taxation of Salt under the Rule of the East India Company' (*The Calcutta Review*, November and December, 1929), Mr P. Roy has just touched on one or two aspects of this question. Our mode of treatment, however, is ***materially*** different from his.

[2] See pages 379-80 *ante*. [3] Para. 21. [4] Para. 110.

in this[1] second General Letter it 'gave a general and positive Order against every Kind of Monopoly in Trade'.[2] We have also seen[3] that Clive, while intimating his acceptance of the office of Governor of Bengal for the second time, recommended the prohibition of the trade of the Company's servants in salt, betel-nut and tobacco, in his letter to the Court, dated at Berkeley Square 27th April, 1764. The intended restrictions, however, writes Mr Verelst[4], 'did not take effect; for many active proprietors, when the affair was considered in a general court, strongly urged the continuance of this indulgence, under some limitations, to the servants, who would otherwise be deprived of a decent subsistence abroad; much less could they ever hope to revisit their native country with such independent fortunes as reason and justice equally authorised them to expect'. These sentiments generally prevailed, and the Court of Proprietors ultimately[5] adopted

[1] I.e., the General Letter to Bengal, of 22nd February, 1764.

[2] See the Commons' Report, Fourth, 21st April, 1773.

The Court actually stated in this General Letter to Bengal (of 22nd February, 1764) : 'It is our positive Order, that you take care to prevent every Kind of Monopoly and if you find any Person or Persons guilty of such unfair practices, he or they are to be forthwith Dismissed from the Company's Service'.—(The letter was addressed to the President and Council at Fort William). Also see the Commons' Report, Fourth, dated 21st April, 1773, App. No. 1.

[3] See page 381 *ante*.

[4] See Verelst, *A View of the English Government in Bengal*, 1772, page 107.

[5] The motion originally moved in the Court of Proprietors was : 'That it be recommended to the Court of Directors to give Instruction to the Presidency of Bengal, to settle such Regulations in carrying on the Trade in Salt, Beetle Nut, and Tobacco, as shall prove most advantageous to this Company, without prejudicing the just Rights of the Nabob of the Provinces ; and that such Regulations be transmitted Home to the Court of Directors by the first Opportunity, with every Information which can enable them to determine on so important a Subject'.

'This motion', said Mr William Sumner in the course of his evidence before a Parliamentary Committee, 'implied a total suspension of at least Two Years of any Regulations ; the forming a Plan in Bengal, which should be transferred to England for the Approbation of the Court of Directors before it was adopted, would have left this important Branch of Trade open so long, and it was evident such Delay would necessarily hazard further Disputes with the Country Government, which it was the earnest desire of the Court wholly to remove. The Motion was opposed, from a full Conviction of the bad Tendency of delaying the proposed Regulations, in which I joined with many intelligent Proprietors ; it was *in Consequence withdrawn*, and

the following resolution at a meeting held on 18th May, 1764:—

'Resolved, that it be[1] recommended to the Court of Directors, to re-consider the orders sent to Bengal, relative to the trade of the Company's Servants, in the articles of salt, betlenut, and tobacco; and that they do give such directions for regulating the same, agreeably to the interest of the Company and Subah, as to them may appear most prudent: either by settling here at home the restrictions under which this trade ought to be carried on, or by referring it to the Governor and Council of Fort William, to regulate this important point in such a manner as may prevent all future disputes betwixt the Subah and the Company.'

In view of this resolution of the General Court of Proprietors, the Court of Directors wrote[2] to the President and Council at Fort William on 1st June, 1764, that for the reasons given in its letter of 8th February, 1764,[3] it had 'then' been 'induced to send positive order to put a Final and Effectual End to the Inland Trade in Salt, Beetle Nut, Tobacco and all other Articles whatsoever produced & consumed in the Country'. This order, the Court stated,[4] was to remain in force 'until a more equitable and satisfactory Plan' could be formed and adopted, which, however, the Court remarked, it was impossible for it to frame from England, 'destitute' as it was 'of the Information and Lights necessary' to guide it in settling such an important affair. It, therefore, further wrote[5] to the President and Council:—

'You are . . . . hereby ordered and directed as soon

the General Court came to the following Resolution' (i.e., the resolution quoted by us in the text above). (The italics are ours.) See in this connexion the Commons' Report, Fourth, 21st April, 1773; also Verelst, *A View of the English Government in Bengal*, pp. 107–108; also Clive's speech in the House of Commons on March 30th, 1772, in *The Parliamentary History of England from the Earliest Period*, etc., Vol. XVII, 1771–1774.

[1] In another version, this word is 'is'.

[2] See the Company's General Letter to Bengal, dated 1st June, 1764, para. 54.

[3] See pages 378–79 *ante*.

[4] See the Company's General Letter to Bengal, of 1st June, 1764, para. 56.

[5] *Ibid.*, para. 57.

after the Receipt of This as may be convenient to consult the Nabob as to the manner of Carrying on the Inland Trade in Salt, Beetle Nut, Tobacco, and the other Articles produced and consumed in the Country which may be most to his satisfaction and advantageous to the Interest of the Company & likewise of the Company's servants.'

Moreover, the Court directed[1] them 'to form a proper and equitable Plan for carrying on the said Trade and transmit the same' to itself, together with 'such Explanations, Observations and Remarks' as might enable it to give its 'Sentiments and Directions thereupon in a full and explicit manner'. And in doing this, it added, they were[2] 'to have a particular regard to the Interest and entire satisfaction of the Nabob both with respect to his Revenues, & the proper support of his Government'. In short, this plan was ordered to be 'settled with his Free will & Consent, and in such a manner as not to afford any just grounds for complaint'.

The Court's letter of 1st June, 1764, embodying these orders arrived in Bengal on 24th January,[3] 1765. And at a Consultation held at Fort William on the next day, the Council decided[4] to postpone taking any action upon those orders as Lord Clive and two of the other members of the newly constituted Select Committee, namely, Messrs William Brightwell Sumner and Francis Sykes, who had accompanied him from England, were expected to arrive in Bengal soon.

The actual decision to institute the Society of Trade was taken at the meeting of the Select Committee held at Fort William on 10th August, 1765.[5] The only members of the

[1] See the Company's General Letter to Bengal, of 1st June, 1764, para. 58.

[2] *Ibid.*, para. 59.

[3] See the Commons' Report, Fourth, dated 21st April, 1773.

[4] The exact language of the decision was :—

'We observe the Sentiments and Orders of the Court, on the Subject of the Inland Trade, contained in the 54 and subsequent Paragraphs to the 64. But as Lord Clive, and the other Gentlemen, may be now so soon expected to arrive, it is agreed to defer, for the present at least, any further Proceedings thereon'.—The General Consultation, Fort William, of 25th January, 1765. See the Commons' Report, Fourth, dated 21st April, 1773, App. 31.

[5] See Appendix 14 in this connexion.

Select Committee present at this meeting were Messrs William Brightwell Sumner and Harry Verelst. Clive was 'up the country at the time, employed in settling the treaty of peace with Suja ul Dowla, and obtaining from the Mogul, the grant of the Duannee'.[1] The plan of the society 'was framed principally by Mr Sumner'.[2] It appears, however, from a letter[3] of Clive addressed to the Court of Directors on 1st February, 1766, that it had been originally proposed by him 'at sea' during his voyage to India.

Briefly[4] speaking, under the plan of the Society of Trade which the Select Committee framed at its meeting held at Fort William on 10th August, 1765, and which it considered to be 'the most correspondent to the Company's Orders, and conducive to the Ends'[5] which the Company had had in view in issuing them, the whole trade in salt, betel-nut and tobacco was, in the first place, to be 'Carried on by an *exclusive Company*[6] formed for that Purpose, and consisting of all those' who might be 'deemed justly intitled to a share'; a 'proper Fund' was to be raised, 'by a Loan at Interest, for the Supply and support of the same'; and the Company was to commence its work in September, 1765, 'or as soon after as may be found most convenient'.[7]

Secondly,[8] 'the Salt, Beetle Nut, and Tobacco produced in, or imported into Bengal' were to be purchased by the above-mentioned Company, and a 'public Advertisement'[9] was to

[1] See Lord Clive's speech in the House of Commons on 30th March, 1772 in *The Parliamentary History of England*, etc., Vol. XVII.

[2] See *ibid.*

[3] Clive stated therein :—'Permit me, Gentlemen, to return you my most grateful Acknowledgements for the Confidence you are pleased to repose in me, by the 40th Paragraph of your General Letter of the 15th of February 1765, in relation to the important Article of the Salt Trade; and though I hope my Conduct in your Service will intitle me to your Approbation in every other Instance, I cannot but congratulate myself on the success of that particular Plan, since it was originally proposed by me, during my voyage to India'.—From Clive's letter to the Court of Directors, dated at Calcutta 1st February, 1766. See the Commons' Report, Fourth, dated 21st April, 1773, App. 3.

[4] For details, see Appendix 14.

[5] See the Proceedings, Select Committee, Fort William, of 10th August, 1765. Also see Appendix 14.

[6] The italics are ours. [7] *Ibid.* [8] *Ibid.*

[9] According to one version, the expression is : public advertisements,

be issued, strictly prohibiting all other persons whatsoever, who were dependent on the Company's Government, from dealing in those articles.

Thirdly,[1] an application was to be made to the Nawab,[2] requesting him 'to issue the like Prohibition[3] to all his officers and Subjects of the Districts, where any Qunatity of either (*sic*) of those Articles' was 'manufactured or produced.'

Fourthly[4] the salt, betel-nut, and tobacco, purchased by the said Company, were to be 'transported to a certain Number of Places for Sale, to be there, and there only, disposed of by their Agents'. The country merchants might 'then become the Purchasers, and again transport the Articles whither' they thought they would 'have the greatest Prospect of Profit'.

Fifthly,[5] a Committee of Trade was to be 'appointed to receive the Management of this Plan, and prosecute the same in all its branches'. This Committee was to 'be immediately

[1] Proceedings, Select Committee, Fort William, of 10th August, 1765.

[2] Of Moorshedabad.

[3] It may be noted here that Mr Sumner had anticipated action in this regard. He told the Select Committee that he had desired Mr Sykes, when he had 'lately' gone up to Moorshedabad, to apply to the Nawab 'for the necessary Purwannas for authorizing and facilitating this Trade' (in salt, betel-nut and tobacco), and that he had 'accordingly received from that Gentleman (obviously Mr Sykes), Perwannas to this Purpose, being 106 in Number'. He presented those Purwannas to the Committee.—*Ibid.*

And we find in a letter of Mr Francis Sykes, dated at Moraudbaug 28th July, 1765, addressed to 'W. B. Sumner Esqr & Gentlemen of the Select Committee' at Fort William :

'I now enclose you the Nabob's purwannas etc. amounting to 106, which will enable you immediately to enter upon the Contracts . . . . You will find that the Zemindars are entirely put under our authority & are to comply with such Regulations as you shall think proper to establish'.—See the Proceedings, Select Committee, Fort William, of 10th August, 1765.

For translations of the copies of some of these Purwannas, see Bolts, *Considerations on India Affairs*, 1772, Chapter XIII.

Bolts's remarks in connexion with these Purwannas are interesting:—

'So easy is our Nabob on such occasions, that we here see 106 grants or orders obtained on a simple application from one of the gentlemen of the committee, before the regulations were adjusted.' —*Ibid.*, p. 169 (foot-note).

[4] Proceedings, Select Committee, Fort William, of 10th August, 1765. Also see Appendix 14.

[5] *Ibid.*

authorized to take Measures for raising the Fund at Interest, and to receive Proposals and settle the Contracts;' and further, for its assistance a person was to be appointed 'in the Quality of' its 'Secretary and Accomptant'.

Referring to the plan as framed by itself, the Select Committee held that it would be found to be 'a sufficient Ground Work for commencing' the trade in salt, betel-nut and tobacco.[1] It might be improved later on as circumstances might 'occur and direct'. It should, therefore, the Committee resolved, be delivered over to the Committee of Trade, as soon as the latter was constituted, for taking all such action[2] as might be considered necessary to give effect to it. The Committee of Trade itself was to be composed of two members of the Select Committee and two members of the Council.[3]

Finally, the Select Committee agreed to 'recommend to the Council to appoint Two of their Members to be joined with Two of the Committee, to constitute this Board (i.e., the Committee of Trade) and receive charge of the Plan; and at the same time to appoint a proper Person to the office of Secretary and Accomptant'.[4]

At a Consultation held at Fort William on 12th August, 1765, Mr Sumner, the presiding member, placed before the Council the above-mentioned plan 'as a Ground Work for carrying on the Trade' in salt, betel-nut and tobacco in future.[5] After some preliminary objections, on constitutional grounds, had been raised by Messrs Leycester and Gray[6],

[1] See the Proceedings referred to in foot-note 4 on page 392.
[2] Such as "raising the Money and making the Contracts."
[3] *Ibid.* [4] *Ibid.*
[5] See the General Consultation, Fort William, of 12th August, 1765; also the Commons' Report, Fourth, dated 21st April, 1773, and App. 34 to the same.
[6] Mr Leycester said: 'I dissent to the Powers assumed by the Gentlemen of the Committee, of fixing any Regulations for the carrying on of the Inland Trade, independent of, and without Consulting the Gentlemen of the Council, as it is a Power by no means delegated to them by the Court of Directors; who point out in very express Terms, that the only object of those Powers lodged with the Select Committee is the restoring of Peace and Tranquillity to the Provinces, then supposed in a very distracted State'. He added, however, that it was

two of the members of the Council, to the action taken by the Select Committee, a Committee of Trade was formed consisting of four persons, namely, Messrs Sumner and Verelst as members of the Select Committee, and Messrs Leycester and Gray as members of the Council.[1] The Council next resolved to 'address[2] those Gentlemen, constituting them the Committee accordingly, for the Management of this Trade, and transmitting them the Regulations of the Select Committee[3] . . . . . . for their Government therein; authorizing them, at the same time, to correspond with the subordinate Factories, and to pursue all such Measures as may, conformably to the Plan, appear to them eligible and proper'. It also decided[4] to 'give the necessary Advice and Directions, in Consequence, to the different Factories'. For example, it issued[5] the following circular letter to 'Ascanius William Senior, Esquire, Chief, & Council at Cossimbuzar:—

'Gentlemen,

We are to inform you, that we have now established certain Regulations for Conducting the Inland Trade in the articles of Salt, Beetle Nut, and Tobacco, agreeably to orders received from the Court of Directors, and that the same are to be immediately carried into Execution by a Committee of Trade, consisting of Messieurs Sumner, Verelst, Leycester,

'needless' for him then to give his 'Sentiments of the Regulations themselves', as the Select Committee had already 'determined on the Plan'; and that, as it was on all occasions expedient for the members of the Council to unite in carrying on the public business, he declared himself ready, notwithstanding his dissent, 'to share any Trouble that this System may occasion to the other Gentlemen of the Council, and to co-operate with my best Endeavours, that the intended Scheme may be carried into Execution with all the Benefits that can possibly result from it'.

Mr Gray agreed in essence with Mr Leycester in the latter's views on the constitutional aspect of the action taken by the Select Committee. But he also stated that, notwithstanding his dissent, he would cheerfully 'obey the Orders of the Board (i.e., the Council), in his appointment of (as ?) a Member of the Committee of Trade'.—See *ibid.*

[1] *Ibid.* [2] *Ibid.*

[3] Together with all necessary papers.

[4] See *ibid.*

[5] See the Commons' Report, Fourth, dated 21st April, 1773, and also App. 35 thereto.

and Gray, who are for that Purpose authorized to correspond with the several Subordinate Factories, and to take all such Measures as may appear to them proper; and We therefore direct that you do pay a due Regard to whatever Instructions you may from Time to Time receive from them, in Matters relative to this Trade, and address them accordingly in Return.

Fort William, We are, etc. . . . .'
The 12th August 1765.

The Select Committee resumed[1] 'the consideration of the plan for carrying on the inland trade' (in salt, betel-nut and tobacco) at a meeting held at Fort William on 18th September, 1765, 'in order to determine with respect to the Company and the classes of proprietors' (*sic*). All the members[2] of the Committee were present at this meeting. In regard to the Company, the Committee held that it would be more to its interest 'to be considered as superiors of this trade, and receive a handsome duty upon it than to be engaged as Proprietors in the stock'.[3] And having regard 'to the circumstances of the Companys being at the same time the head and masters of our service and now come into the place of the country government by his Majesty's royal grant of the Dewaunee', the Committee resolved that the inland trade in salt, betel-nut and tobacco should be 'subject to a Duty to the Company after the following rates'[4] :—

'On Salt	...	35 P cent valuing the 100 mds at the rate of 90 A Rs[5] and in consideration thereof the present Collaree Duty to be abolished
On Betul nut (*sic*)	...	10 P. cent on the Prime Cost.
On Tobacco	...	25 P. Cent on Ditto'.

The Committee expected that the Company would receive 'a clear revenue of at least 100000 £ Str P. Annum' from

[1] See the Proceedings, Select Committee, Fort William, of 18th September, 1765.
[2] Namely, Lord Clive, Mr W. B. Sumner, Brigadier-General Carnac, Mr Harry Verelst, and Mr Francis Sykes.—See *ibid*.
[3] See *ibid*.
[4] See *ibid*.
[5] Arcot rupees—See Glossary.

these duties.[1] And the rates of these duties, the Committee hinted, might, subject to the directions of the Court of Directors, be increased later on if it should 'appear upon further experience of the trade that the profits will admit of an increase in these rates'.[2]

With respect to the question of the proprietors of the shares in what may be briefly called the 'Salt' Company, with which we are chiefly concerned here, the Select Committee resolved that they should be 'arranged into three classes'; that each class should be 'entitled to so many shares in the stock'; and that 'a certain capital stock' should be 'agreed upon in order to ascertain the value of each share'.[3] The actual scheme of the distribution of shares among the different classes of the Company's servants, as agreed upon by the Committee, was as follows.[4] Class one[5] was to 'consist of the governor—five shares—The Second[6]—three shares—the General—three shares Ten gentlemen of Council each two shares—twenty shares—Two Colonels each two shares—four shares

'In all thirty five shares for the first class'.

Class two was to 'consist of one chaplain, fourteen Junior Merchants and three Lieutenant Colonels'. In all it was to consist of eighteen persons who would each be 'entitled to one third of a Councillors proportion' or 'two thirds of one share'. This would make altogether 'twelve shares for the second class'.[7]

Class three was to 'consist of thirteen factors, four majors, four first surgeons at the Presidency, two first surgeons at the army, one Secretary to the Council, one sub-accountant,

[1] See the Proceedings, Select Committee, Fort William, of 18th September, 1765.

[2] See *ibid.* [3] See *ibid.* [4] See *ibid.*

[5] In the relevant manuscript record, the expression is: Class First.

[6] I.e., the second member of the Council at Fort William.

[7] So far as the second class was concerned, the Committee added:—

'We mean always to include in this number such junior merchants as the Company have thought proper to fix in the service who as well as the factors in the next class that may be restrained from rising as covenant servants shall however be entitled to their full share of the advantages of this trade'.—See the Proceedings, Select Committee, Fort William, of 18th September, 1765.

one Persian translator and one sub-export Warehouse-keeper '—in all twenty-seven persons who would each be 'entitled to one sixth of a councillors proportion or one third of one share'.[1] This would make altogether 'eight[2] shares for the third class'.

The Select Committee thus 'settled the arrangement of the classes and the shares in the stock', but it left it to the Committee of Trade itself to ascertain the amount of the capital required, as the latter would be the most competent judge of what fund would be necessary.[3] The Committee

[1] No writer was to have a share in the Society of Trade.

'All the Company's servants except writers, and also all the field officers of the army, had shares, according to their respective rank'. From Clive's speech in the House of Commons on 30th March, 1772.

[2] The figure 'eight' seems to be an obvious error. It should have been 'nine'.

As a matter of fact, however, class three was, according to Mr William Bolts, afterwards 'made to consist of twenty-eight persons, at one third of a share each, making in all nine shares and one third'.—See Bolts, *Considerations on India Affairs*, p. 172 (foot-note).

[3] See the Proceedings, Select Committee, Fort William, of 18th September, 1765.

According to Clive's letter to the Court of Directors, dated at Calcutta 1st February, 1766, the capital of the Society was originally 24 lakhs of rupees; it was, however, to be speedily raised to 32 lakhs.

But according to William Bolts the original capital of the Salt Society was current rupees 2422333-5-4.—See Bolts, *Considerations on India Affairs*, p. 175.

This amount was 'divided into 56⅓ shares of 43000 current rupees each share', as shown below:—

	Persons.	Shares each.	Total shares.		Capital stock.
'To the Right Hon. L. Clive	1	5	5	215000	
William Brightwell Sumner, Esquire ...	1	3	3	129000	
General Carnac ...	1	3	3	129000	
To ten Counsellors and two Colonels ...	12	2	24	1032000	
To Chaplain, senior and junior Merchants, and Lieutenant Colonels ...	18	2/3	12		1505000-0-0 516000-0-0
To Factors, Majors, and Surgeons	28	1/3	9⅓		401333-5-4
Persons ...	61		56⅓	Current rup.	2422333-5-4'

See William Bolts, *Considerations on India Affairs*, 1772, p. 175.

of Trade was also authorized to frame, from time to time, necessary bye-laws which it was 'empowered to enforce and carry into execution' after they had been 'communicated approved & signed to by the Body of Proprietors' of the Society of Trade.[1]

Finally, the Select Committee ordered a copy of the above Proceedings of its meeting (held on 18th September, 1765), 'to be prepared and laid before the Council' at Fort William, for transmission by the latter together with its own directions[2] in regard thereto, to the Committee of Trade.

Accordingly, a copy of the Proceedings of the meeting of the Select Committee held on 18th September, 1765, was placed[3] before the Council on 25th September, 1765, and the Council transmitted it to the Committee of Trade, 'with Instructions to proceed agreeably thereto'.[4]

It may also be noted here that, as a result of a representation by the Committee of Trade, dated 11th September, 1765, a deed was executed[5] by the Governor and Council in favour of the Committee of Trade, securing to it 'the free and sole Purchase of the Articles of Salt, Beetle Nut, and Tobacco, from the 1st of September 1765 to the 31st[6] of August 1766'. Thus was established the Society or the Committee of Trade in 1765.

Justifying the institution of the Society, the Select Committee wrote[7] to the Court of Directors on 30th September,

[1] See the Proceedings, Select Committee, Fort William, of 18th September, 1765.

[2] I.e., the directions of the Council. See *ibid*.

[3] By the President (Lord Clive).

[4] See the Commons' Report, Fourth, dated 21st April, 1773 and also App. 37 thereto.

[5] The deed was 'entered into between' the Governor and Council of Fort William and the Committee of Trade.

See the Select Committee's Letter to the Court of Directors, dated at Calcutta 31st January, 1766, para. 11; also the letter from the President and Council at Fort William to the Court of Directors, dated 30th September, 1765, paras 40–41 ; also the Commons' Report, Fourth, dated 21st April, 1773.

[6] According to the Select Committee's letter to the Court, dated at Calcutta 31 January, 1766, this date was *30th*. This seems to have been an error.

[7] See the Committee's letter to the Court, dated at Fort William 30th September, 1765, para 32.

1765, that it had considered the latter's orders relating to the trade in salt, betel-nut and tobacco, 'with all the attention possible, and regard to' its 'interest, and the good of the Service'; that it had realised that 'to remove the inconveniences of a free Trade, prevent the oppressions daily committed, save this valuable Article of Commerce from ruin, and diffuse the benefits resulting indiscriminately among all' its servants 'entitled to Dusticks, it was necessary to vest the whole in an exclusive company', composed of the first three[1] classes of its covenanted servants, the field officers, chaplains and head surgeons; that, in regard to the councillors and field officers in particular, it was its opinion that the gentlemen who had 'risen to those stations with credit and reputation,' were certainly entitled to something more than a subsistence: they even had a right to expect such advantages in its service as might 'enable them to return in a few years with independence to their native country'; and that, with respect to the Company, it was unanimously of opinion that it would be 'more for their Interest to be considered as Superiors than Proprietors'.

Clive[2] also wrote to the Court on 30th September, 1765, that he hoped that the regulations relating to the salt trade would be entirely to the satisfaction of the latter; that he had at first intended to propose that both the Company and its servants should 'be jointly and equally concerned in the Trade itself'; but that, on a 'better Consideration', he had judged this as rather 'unbecoming the Dignity of the Company' and, therefore, concluded that it would be better if the trade were left entirely to its servants, subject to the payment of a duty to the Company, 'equivalent to half the Profits'; and that the advantages proposed for the Governor and Council would undoubtedly appear extremely large to those who were 'unacquainted with the riches of Bengal, and the numberless

[1] I.e., the councillors, merchants and the factors. The writers were not to have any share in the business of the Society of Trade. See foot-note 1 on page 397 *ante*.

[2] See his letter to the Court of Directors, dated at Calcutta 30th September, 1765, paras. 17-18; also see the Commons' Report, Third, dated 8th April, 1773, Appendix 73.

opportunities which the Company's Servants' had 'of acquiring mony (*sic*)'. 'But you', Clive continued, 'who are now perfectly informed of the Revenues of these Kingdoms, and the prodigious Emoluments within the reach of Gentlemen high in the Service, will, I am persuaded agree with Me, that if some Plan of the nature proposed, be not adopted, the Governor and Council will not fail to acquire much larger Fortunes, by other means, in a much shorter Time, which must always be productive of that quick Succession, not only so detrimental to your Commercial Interest, but so totally incompatible with the acquisition of Political knowledge, which ought now to be considered as a very material Qualification, in all your Civil as well as Military Servants'.[1]

Another consideration which weighed with the Select Committee in instituting the Society of Trade was the restriction imposed upon the Company's servants by their new covenants referred to before[2], which prohibited the receipt of presents. As 'this mode of raising fortunes' had been forbidden,[3] and as their 'prospect of advantage in a foreign commerce' had been dwindling away owing to 'the increased investment of the Company'[4] after its acquisition of the Diwani, it was considered desirable[5] to compensate the Company's servants otherwise. 'It was not expedient, how-

[1] Also see the letter from the President and Council of Bengal to the Court of Directors, dated at Fort William 30th September, 1765, paras. 40–41.

[2] See pages 327–29 *ante*.

[3] See Clive's speech in the House of Commons on 30th March, 1772.—Cobbett's *Parliamentary History*, etc., Vol. XVII (1771–1774).

[4] See Verelst, *A View of the English Government in Bengal*, 1772, p. 113.

[5] As Mr Verelst has said :

'The new covenants had excluded the receipt of presents ; while the increased investment of the Company, (after the dewanny was obtained) absorbed the trade of the individuals, and removed all prospect of advantage in a foreign commerce. No other fund remained for the reward of services ; and without proposing a reasonable prospect of independent fortunes, it was ridiculous to hope that common virtue could withstand the allurements of daily temptation, or that men armed with power would abstain from the spoils of a prostrate nation'.—See his *View of the English Government in Bengal*, p. 113.

ever', said Clive on one occasion[1] afterwards, 'to draw the reins too tight. It was not expedient, that the Company's servants should pass from affluence to beggary. It was necessary, that some emoluments should accrue to the servants in general, and more especially to those in superior stations, who were to assist in carrying on the measures of government. The salary of a Counsellor is, I think, scarcely three hundred pounds per annum: and it is well known that he cannot live in that country for less than three thousand pounds. The same proportion holds among the other servants. It was requisite therefore, that an establishment should take place: and the Select Committee, after the most mature deliberation, judged, that the trade in salt, betlenut and tobacco, under proper regulations, might effectually answer the purpose. The great object of our consideration was, whether this trade could be regulated for the advantage of the Company, and also for the Company's servants; without oppressing the natives. We thought it could . . . . I make no mention of the nabob; because the Company, to whom the revenues now belonged, stood in his shoes'.

Mr Sumner who had, as we have seen before[2], played an important part in the institution of the Salt Society, said later on in the course of his evidence before a Parliamentary Committee[3], that the plan of the Salt Society had been calculated 'to bring Salt at a more reasonable Price[4] to the Hands of the Consumer; to encrease the Revenues to the

[1] See Lord Clive's speech in the House of Commons on 30th March, 1772, in connexion with the East India Judicature Bill.—*Vide* Cobbett's *Parliamentary History of England from the Earliest Period to the Year* 1803, Vol. XVII (1771–1774), London, Printed by T. C. Hansard, 1813. Also See Malcolm, *The Life of Robert, Lord Clive*, Vol. III, p. 100.

[2] See page 391 *ante*.

[3] See the Commons' Report, Fourth, dated 21st April, 1773.

[4] Clive also said in the House of Commons: Mr Sumner 'took the medium price of salt, throughout the country, for above twenty years past; and fixed the price at from twelve to fifteen per cent below that medium. Hence it was not probable, that any grievance should fall upon the poor'.—See his speech in the House of Commons on 30th March, 1772.

Also see Verelst, *A View of the English Government in Bengal*, pages 116–117 (foot-note).

Company £120000 per Annum; and to hold out such Rewards of Fidelity to their Servants, as might engage them, by Ties of Interest and Gratitude, to a cordial Discharge of their Duty'. After the Company had acquired the Diwani, 'it became', Mr Sumner continued[1], 'an Object with the Select Committee, how to enable the Company to derive to themselves, through the Channel of their Commerce, all possible Benefit from their new Acquisitions: This could not be effected but by an increased Investment in the Manufactures of Bengal; to secure this Increase, it became necessary to restrain the Servant(s?) from purchasing so largely as they had been accustomed to, on private Account, Goods of the same Assortment with the Company's: Raw Silk was earnestly sought for by the Court of Directors, and the Servants were particularly restrained in that Article, from which they had always derived the greatest Profits'.[2] Moreover, 'the whole Body of Proprietors', observed[3] Mr Sumner, 'having thought proper at this Time to bind down by Covenant their Servants from the receipt of Presents, and the Salaries allowed, by the Company to their Council, being inadequate even to the charge of a House Rent, no Prospects of returning to their Native Country remained to the Servants, except from the Advantages of an Inland Trade'. These were the reasons which had, according to him, 'induced the Select Committee to lose no Time in forming a Plan to carry on this important Inland Trade'.[4]

It may also be noted in connexion with this plan that, in consequence of a letter from the Committee of Trade, dated 21st October, 1765, the Select Committee had consented,[5] at a meeting held at Fort William on 29th October, 1765, to the appointment of European Agents by the former, 'to conduct the Business of the Society in the different parts of the Country'. These agents, the Committee had enjoined,

[1] See the Commons' Report, Fourth, dated 21st April, 1773.
[2] *Ibid.* [3] *Ibid.* [4] *Ibid.*
[5] See the Proceedings of the Select Committee, Fort William, dated 29th October, 1765; also the Commons' Report, Fourth, 21st April, 1773.

were to be persons of approved character, and were 'to enter into such Engagements & Restrictions as' it might 'judge necessary for regulating their Conduct & securing the Country from disturbance & the Natives from injury or molestation'.[1] It appears from a letter of the Committee of Trade to the Select Committee, dated 1st November, 1765, that nine persons had been appointed Agents to the Salt Society. And in its reply to the Committee of Trade, of 5th November, 1765, the Select Committee 'made several Restrictions respecting the said Agents'.[2]

[1] See the Proceedings, Select Committee, Fort William, of 29th October, 1765.

[2] See the Commons' Report, Fourth, dated 21st April, 1773.

In its reply, dated at Fort William 5th November, 1765, the Select Committee wrote to the Committee of Trade that, as the latter had represented to it that the Society for conducting the inland trade would 'derive very particular Advantages from entrusting the Management of' its concerns to European Agents, it had consented, subject to certain limitations, to a measure which it could never otherwise approve of, namely, 'Giving Permission to Europeans, not in the Company's Covenanted Service, to reside in different and remote Parts of the Country'. It 'opens', the Committee said, 'so large a Field for Abuse and Oppression, and is in itself so opposite to the express Injunctions of the Court of Directors, so contrary to the orders we have so lately issued, and so alarming to the Natives in general, that such Indulgence can only be justified by Necessity'. With a view to laying such restraints on the conduct of the Agents as appeared to it 'best calculated to prevent future Cause of Complaint, and secure the Peace and Repose of the Country', the Select Committee required 'all European Agents, on whatever Service employed by the Society', to subscribe to the following restrictions before they left the Presidency, and to 'bind themselves in a penal Bond of 30000 Rupees, to a strict Observance of the same, which Penalty shall be levied on Conviction of their Breach of Agreement, and applied at the Discretion of the Board (i.e., presumably, the Council at Fort William), or of this Committee':—

'1st. That they carry on no Trade or Commerce, either as Agents or Principals, except for the Benefit of the whole Society of Inland Trade.

'2d. That they lend no Money to the Zemindars, the public officers, or other Persons any Way connected with the Government.

'3d. That they assume to themselves no judicial Power or Authority whatever; but in all cases of Difference or Dispute between them and the Natives apply for Redress to the Country Government, and in Case of Delay or Refusal, to the Select Committee.

'4th. That they neither interfere, directly or indirectly, with any Business relative to Government, or by any Means whatever give Interruption to the Collections, or just Cause of Complaint to the Administration; but confine themselves scrupulously and strictly to the Sale of the Salt, Tobacco, and Beetle Nut, committed to their

We have given above a brief account of what is known as the *first plan* of the Society of Trade brought into operation in 1765. We have also stated the reasons which had induced the Select Committee to devise it. It was later on argued—perhaps rightly—that 'it was not probable, that any grievance should fall upon the poor' as a consequence of the establishment of the Salt Society, because Mr Sumner who had principally devised its plan, had taken 'the medium price of salt throughout the country, for above twenty years past; and fixed the price at from twelve to fifteen per cent below that medium'.[1] And the plan, it was also said, had been settled for one year only so that the Select Committee 'might have an early opportunity of completing afterwards what was originally intended as an experiment'.[2] But whatever might be said in favour of the plan, there can be no reasonable doubt that it had established a monopoly for an 'exclusive Company', as it had provided that all the salt, betel-nut and tobacco produced in, or imported into, Bengal 'shall be purchased by this established Company', and that 'public Advertisement shall be issued, strictly prohibiting all other Persons whatsoever, who are dependent on our (i.e., the Company's) Government, to deal in those Articles'.[3] Clive also admitted that the plan had established 'really a monopoly. The trade was taken out of the hands of some of the merchants'.[4] Moreover, very handsome profits had been expected. In a letter[5] addressed

Charge, making such Returns of the Produce as the Society may require, and expecting no other Reward of their Services than the stated Allowance by Commission on the above Articles'.

These were the principal restrictions which the Select Committee considered necessary 'to avoid Contradiction' in its own resolutions, and 'to secure the Company from Injury, the Ministers from Occasion of Complaint, and the Natives from Insult and Oppression'.—*Vide* the Commons' Report, Fourth, dated 21st April, 1773, Appendix No. 42.

[1] See Lord Clive's speech in the House of Commons on 30th March, 1772, in Cobbett's *Parliamentary History*, etc., Vol. XVII, already referred to.

[2] *Ibid.*

[3] See pages 391–92 *ante*.

[4] See Lord Clive's speech in the House of Commons on 30th March, 1772, already refered to.

[5] Quoted by Malcolm in his *Memoirs of Lord Clive*, Vol. III, pp. 102–3.

to one Colonel Call on 14th December, 1765, Clive wrote: 'The capital of the salt trade is 32[1] lacs of sicca rupees, upon which the most moderate expect to make 50 per cent., clear of all charges; others, 75 per cent; and the most sanguine, 100 per cent. Take the lowest, and a councillor's and a colonel's profit will be 7000 l. sterling per annum; a lieutenant-colonel's and junior merchant's 3000 l.; majors' and factors', 2000 l. These advantages, and a free open trade (?), are in lieu of all presents from the natives, and all perquisites disadvantageous to the Company, and dishonourable to the servants'.[2]

The Court of Directors and the Society of Trade.

Information regarding the institution of the Society of Trade was first communicated to the Court of Directors by Clive in his letter[3] of 30th[4] September, 1765, and also by the Council[5] and the Select Committee[6] at Fort William, in their letters of the same date. These letters were dispatched by the *Admiral Stevens* on 18th October,[7] 1765, and the Court received them on 19th April,[8] 1766. What the Court wrote in reply both to the Select Committee and to Clive, on 17th May,[9] 1766, is at once marked by a spirit of humanity and a sense of fairplay and justice just befitting a virtually ruling authority. We may give here, for considerations of space, only one or two extracts from its replies, by way of illustration. For example, it wrote[10] to the Select Committee that it had in all its 'Letters from the first knowledge' it had had of its

[1] The capital was a little over 24 lakhs (current rupees) to begin with. See page 397, foot-note 3, *ante*.

[2] Also see in this connexion William Bolts, *Considerations on India Affairs*, Chapter XIII.

[3] See paras. 17 and 18.

[4] See Clive's letter to the Court of Directors, dated at Calcutta 30th September, 1765.

[5] See the President and Council's letter to the Court of Directors, dated at Fort William 30th September, 1765, paras. 40–41.

[6] See the Select Committee's letter to the Court of Directors, dated at Fort William 30th September, 1765, paras. 32–33.

[7] According to Mr Verelst. See his '*View of the English Government in Bengal*', p. 111 (foot-note).

[8] See the Court's letter to the Select Committee at Fort William, dated 17th May, 1766.

[9] See *ibid*, and also the Court's letter to Clive, dated 17th May, 1766.

[10] See the Court's letter to the Select Committee at Fort William, dated 17th May, 1766, para. 31.

'Servants being Engaged in the Inland Trade', strongly discountenanced and forbidden it; that it had always treated it as a breach of its 'orders, a violation of the Phirmaund and in a great measure the cause of the late Wars'. 'The amazing Sums demanded for restitution[1] in respect of losses sustained in this trade', had, the Court continued, opened its eyes to the vast extent to which it had been carried; and 'the oppressions of the unhappy natives' that had 'attended the carrying it on & which have pervaded all parts of the Nabob's dominions', had convinced it that 'a monopoly of the necessaries of life in any hands whatever more especially in the hands of the English who are possessed of such an overruling influence', was liable 'to the greatest abuses'.[2]

Much, it was true, the Court also stated, had been urged by its servants at different times in favour of the right to this trade; but it had always treated such a claim as 'a most absurd' one.[3] The words of the Farman were: 'whatever goods the English Company shall bring or Carry Etc. . . . are

[1] Reference here is to the sum of 40 lakhs of *sicca* rupees (later on raised to 48 lakhs), which Nawab Meer Jaffier (Jâfar) had had to agree to pay in 1763 to the English merchants by way of compensation of the losses which they had said they had suffered during the war with Meer Cossim.—See the letter referred to in the last foot-note. Also see in this connexion the Secret Consultation, Fort William, of 24th September, 1764; also the Company's General Letter to Bengal, dated 30th March, 1774, para. 62; also the Secret Consultations, Fort William, of 21st November, 1764, and 6th December, 1764.

We may also note in this connexion the following remarks of the Court of Directors on the question of 'restitution':—

'Although the Treaty with Meer Jaffeer Ally Cawn was entered into before Mr Spencer's arrival (in Bengal as Governor) yet he gave his sanction to every part of it, particularly that which stipulated Restitution for Losses, which we make no doubt he knew to be mostly *sustained in an illicit Trade*, and preferring the Interest of the Servants to the Honour of the Company, countenanced the aggravating Circumstances which accompanied that *shameful Prostitution of our authority* in rising (*sic*) in the Demand, till by flinging in outstanding Debts it was carried to the exhorbitant sum of Fifty three Lacks, and Mr Spencer though no way interested therein joined in the ungenerous Proceedings by which Meer Jaffeer's Consent was extorted for the payment of these Demands'.—See the Company's General Letter to the President and Council at Fort William, dated 19th February, 1766, para 34. (The italics are ours).

[2] See the Court's Letter to the Select Committee at Fort William, dated 17th May, 1766, para. 31.

[3] *Ibid.*, para. 32.

duty free '.[1] To suppose that 'the Court of Delhi could mean by these words a monopoly of the necessaries of life over their own subjects', was 'such an absurdity' that it would not 'lose time or words in trying to refute it'. Such a construction seemed never to have been thought of till the year 1762, and the Court did not find any evidence that Lord Clive or the gentlemen who had conducted its affairs at the time of the conclusion of the treaty with Meer Juffier in 1757, had conceived that they had acquired by that treaty 'any one additional privilege of Trade'.[2] It had indeed had, in the year 1762, some private information about its 'servants being engaged in such a trade', and it had taken notice of it in its letter[3] of 19th February, 1762. It had, however, received no reply (from Bengal) in respect of this matter; nor had it found anything about it in its Records received from India till, the Court said, it came across a letter from Nawab Meer Cossim entered in the Consultation of 18th October, 1762, in which he had complained 'of the conduct of the Company's servants at Dacca in forcing the country Merchants to take Tobacco and other things above the market price'. Soon after this, 'the debates on the Mongheer Treaty' had also explained to it that the English had been concerned in this trade for some years and that, indeed, 'three years possession had taught them to look on it as a matter of Right and vindicate as such in their negotiations with Cossim Ali Chan'.[4] As soon as this had come to its knowledge, the Court further remarked[5], it had strictly forbidden this kind of trade by its orders of 8th February, 1764.[6] The Governor[7] and Council (of Fort William) had taken these orders into consideration on 17th October, 1764, but 'they presumed at the same time to carry it on in defiance of those orders'.

[1] For a copy of the Mughal Farman see page 361, foot-note 2.
[2] See the Court's letter to the Select Committee at Fort William, dated 17th May, 1766, para. 33.
[3] Presumably, reference here is to the Court's letter of 19th February, 1762, to the President and Council at Fort William.
[4] See the Court's letter to the Select Committee at Fort William, dated 17th May, 1766, para. 33.
[5] *Ibid.*, para, 34.
[6] See pages 379–80 *ante*.
[7] I.e., the President.

Referring next to the desire of the Select Committee that the Court should permit such trade 'for the advantage of the Company and of the Company's servants', the Court observed:[1] 'With respect to the Company it is neither consistent with their honor nor their dignity to promote such an exclusive trade as it is now more immediately our Interest and duty to protect and cherish the Inhabitants and to give them no occasion to look on every Englishman as their national Enemy a sentiment we think such a monopoly would necessarily suggest We cannot therefore approve the plan *you have sent us for trading in Salt, Beetle Nut, and Tobacco or admit of this Trade in any shape whatever*[2] and do hereby confirm Our former orders for its entire abolition and we must here observe to you that we continue in the same opinion which you find expressed in our Letters of the 24th December[3] and 19th February[4] last that every one concerned in this Trade even before Receipt of our Letter 1st June 1764 (*sic*) has been guilty of a breach of his covenant'.

'We are fully sensible', the Court concluded,[5] 'that *these Innovations and illegal Traffic laid the foundation of all the bloodshed massacres and confusion which have happened of late years*[6] We cannot suffer ourselves to indulge a thought towards the continuance of them, upon any conditions whatsoever no regulations can in our opinions be formed that be (*sic*) effectual to prevent the like consequences which we have seen—We consider it too as disgraceful and below the dignity of our present situation to allow of such a monopoly and were we to allow of it under any restrictions We should consider ourselves as assenting and subscribing to all the mischiefs which Bengal has presented to us for these four years past . . . . we must enjoin you to have particular regard and attention to the good of the natives whose

[1] See the Court's letter to the Select Committee (Fort William), of 17th May, 1766, paras. 35–36.

[2] The italics are ours.

[3] 1765. See pages 382–84 *ante*.

[4] 1766. See page 411 *post*.

[5] See the Court's letter to the Select Committee (Fort William), of 17th May, 1766, para. 37.

[6] The italics are ours.

interest and welfare are now become our primary care and we earnestly recommend it to you that you take the most effectual methods *to prevent these great necessaries of Life from being monopolized by the rich and great amongst themselves*[1] and by that the poor and indigent becoming liable to those great grievances and exactions which we mean to prevent our own people from being guilty of'[2]. And in a separate letter[3] the Court wrote to Lord Clive that it thought that 'the vast fortunes acquired in the Inland Trade' had been obtained 'by a scene of the most tyrannick & oppressive conduct that ever was known in any age or country'. 'We have been uniform', it also stated therein, 'in our sentiments and orders on this subject from the first knowledge we had of it; and Your Lordship will not therefore wonder that *after the fatal Experience*[4] we have had of the *violent abuses* committed in this Trade that we could not be brought to approve it even in the limitted (*sic*) and regulated manner with which it comes to us in the Plan[5] laid down in the Committee's[6]

[1] The italics are ours.

[2] The Court added:—'With respect to the advantages of the Company's Servants we would have gentlemen look back to any period before the Capture of Calcutta and turn their attention to Our other Settlements they will then find *Our Service never did nor ever was meant to afford sudden influence or immense fortunes to every man employed therein—a moderate independence was the reward of many years service* succession was slow and the Rank of Councillor was rarely attained before the age of Thirty but donations first and then this Inland Trade shortened the path to Riches. Donations became the reserved motives for revolutions in the Government, and the monopolies of the necessaries of life were founded on its Ruin. We do not mean by this to bring back the state of our service precisely to its former limits . . . . If our younger Servants obtain an earlier independency they become impatient of Controul and we lose the benefit of their services when their riper years enable them to be the most useful to us, and stations of the highest importance fall to youngmen who have neither Judgment nor experience to conduct them'.—See the Court's letter to the Select Committee (Fort William), dated 17th May, 1766, para. 38. (The italics are ours.)

By the term 'donations' above the Court meant the 'gifts', etc., which the grateful Nawabs or their Ministers had offered, or had had to offer, to the army, navy, and the civil servants of the Company, after different revolutions. Also see page 15, foot-note 4, in this connexion.

[3] See the Company's 'letter to the Right Hon'ble' Lord Clive, dated 17th May, 1766, para. 6. [4] The italics are ours.

[5] Reference here is to the first plan of the Society of Trade previously described. See pages 390–93 *ante*.

[6] I.e., the Select Committee's.

proceedings'. The Court, however, agreed in opinion with His Lordship 'on the propriety of holding out such advantages to' its chief servants, civil and military, as might 'open to them the means of honourably acquiring a competency' in its service; but the difficulty of the subject and the short time it then had 'to consider of it', had obliged it, the Court added, to defer giving 'its sentiments and directions thereupon until the next dispatch' [1].

The letter of the Court of Directors to the Select Committee, dated 17th May, 1766, 'in Answer to the Bengal Dispatch of 30th of September 1765', [2] reached Bengal on 8th December, 1766. [3] Meanwhile, the life of the Salt Society had been prolonged for another year under what is known as the *Second Plan* [4] for conducting the Salt Trade, which Clive had proposed before the Select Committee at its meeting held at Fort William on 3rd September, 1766, and which the Committee had unanimously approved of after a mature consideration. [5] The plan had also been placed before, and approved of by, the Council on 8th September, 1766, and the latter had appointed the following persons to constitute a new Committee of Trade, 'with Directions for carrying the Plan into Execution as soon as possible':—

Mr William Brightwell Sumner,
,, Harry Verelst,
,, Randolph Marriott,
,, Hugh Watts,
,, Claud Russell, and
,, Charles Floyer. [6]

The working of the first plan had revealed some defects, and the second plan had been devised by Clive with a view to removing them. 'Although by the acquisition of the

[1] See the Company's letter to Clive, dated 17th May, 1766. para. 6.
[2] See the Commons' Report, Fourth, dated 21st April, 1773.
[3] *Ibid.*
[4] See Appendix 15.
[5] See the Proceedings, Select Committee, Fort William, of 3rd September, 1766.
[6] See the Commons' Report, Fourth, dated 21st April, 1773; also Appendix 53 thereto; also the General Consultation, Fort William, of 8th September, 1766.

Dewannee', Clive had said[1] to the Select Committee, 'the whole of the duties belong to the Company and by the diligence and Zeal of the members of the Committee of trade many useful reformations had taken place yet from my observations when I was last up the country and from the heavy complaints against Europeans of the monopoly of trade in general—I find that the industrious native is still deprived of that share to which he has an undoubted and a more natural right; nor is it yet upon that equitable footing which justice and humanity would—I am sure—incline this Committee to Establish'.

It may be noted here that in deciding on 3rd September, 1766, to continue 'the Salt Society a Second Year', even under a modified plan, the Select Committee had acted against[2] the orders of the Court of Directors contained in its letter of 19th February, 1766, sent by the *Lord Camden*. These orders had positively forbidden the servants of the Company to have 'any concern whatsoever' in the trade in salt, betel-nut and tobacco.[3] Clive had held, however, that when the Court had issued those orders, it 'could not have had the least idea of the favourable change (i.e., the acquisition of the Diwani by the Company) in the affairs of these provinces whereby the interest of the nabob with regard to salt is no

[1] See Clive's minute in the Proceedings of the Select Committee, Fort William, of 3rd September, 1766.

[2] See the Commons' Report, Fourth, dated 21st April, 1773; also Clive's minute in the Proceedings of the Select Committee, Fort William, of 3rd September, 1766.

[3] The exact language was—'Whatever government may be established, or whatever unforeseen circumstances may arise, it is our resolution to prohibit, and we do absolutely forbid this trade of salt beetle-nut, and tobacco, and of all articles that are not for export and import, according to the spirit of the Firmaun, which does not in the least give any latitude whatsoever for carrying on such an inland trade; and moreover we shall deem every European concerned therein, directly or indirectly, guilty of a breach of his covenants, and direct that he be forthwith sent to England, that we may proceed against him accordingly; and every native who shall avail himself of our protection to carry this trade on, without paying all the duties due to the government, equally with the rest of the Nabob's subjects, shall forfeit that protection, and be banished the settlements; and we direct that these resolutions be signified publicly throughout the settlement'.—From the Court's letter to the President and Council at Fort William

longer immediately concerned'.[1] 'A few weeks more', he had also observed, 'must bring us the final resolutions of the Court of Directors in answer to our dispatch by the Admiral Stevens and if notwithstanding the present situation of their affairs they should think proper to repeat their order per Lord Camden—it will be our duty to obey them and I am persuaded they will be obeyed by this Committee'.[2]

Briefly[3] speaking, under the Second Plan 'all salt provided by the Society of Trade' was to be 'sold at Calcutta and at the other places where' it was made, and nowhere else. The price of salt was not to exceed 'two rupees per maund or two hundred rupees per one hundred maund' (*sic*). It was to be 'sold to the natives only' who were 'to transport it to every part of Bengal—Bahar and Orissa and to have the whole profits arising from the sale thereof and . . . . no Company's servant, Free Merchant or European' was to be permitted to have any concern 'in that article directly or indirectly after the sale of it at the above places.' Nor was any 'Banian or servant whatever belonging to any European' to be permitted to have any concern in the salt business. Provision was also made in the plan for the fixation of the price of salt in different markets, "according to distance & former custom", and the duty[4] on salt payable to the Company was to be raised under it from 35 to 50 per cent. There were to be sixty shares in the salt concern and the proprietors thereof were to be divided, to begin with,

in Bengal, dated February 19th, 1766, para. 28. Also see Verelst, *A View of the English Government in Bengal*, 1772, Appendix, p. 133.

It may be noted here incidentally that information regarding the acquisition of the Diwani by the Company had not reached the Court of Directors when it wrote its letter of 19th February, 1766. As a matter of fact, this information reached the Court on 19th April, 1766. This will explain the reference to the Nawab's Government in the extract quoted above.

[1] See the Proceedings, Select Committee, Fort William, of 3rd September, 1766.

[2] *Ibid.*

[3] For details, see *ibid*; also Appendix 15.

[4] And the duty 'upon Beetle' (betel-nut) was to be 15 per cent. See in this connexion page 395 *ante*.

into three classes.[1] Those included in class one were to have 32 shares; those included in class two, 14⅜ shares; and those included in class three, 9 shares. The remaining 4⅛ shares were ordered to be 'accounted for at a proper time'[2].

In connexion with the question of this plan[3], Clive had also observed,[4] 'The prohibition of a free (?) inland trade however disagreeable to individuals must now take place and be confined to imports and exports. . . . . The Company are sovereigns in India and they have declared that the trade carried on for these four years is an usurpation not only of

[1] 15 persons were included in class one; 23 persons (clergymen, senior and junior merchants, and Lieutenant Colonels), in class two; and 27 persons (factors, Majors, and Surgeons), in class three. Those included in class one were Mr William Brightwell Sumner (3 shares), John Carnac (3 shares), and the following persons (each two shares): Messrs C. S. Playdell, Harry Verelst, John Cartier, Francis Sykes, Randolph Marriott, Hugh Watts, Samuel Middleton, Claud Russell, William Aldersey, Thomas Kelsall, Charles Floyer, and Colonel Richard Smith and Sir Rober Barker.—See the Proceedings, Select Committee, Fort William, of 3rd September, 1766; also Verelst, *A View of the English Government in Bengal*, 1772, Appendix No. 145.

[2] According to Mr Verelst (see *ibid*), "these shares were afterwards appropriated to Mr. Bolts and others."

[3] Explaining his own plan in the House of Commons on 30th March, 1772, Clive said:—'I soon found there was some defect in this (i.e., the first) plan. It was really a monopoly. The trade was taken out of the hands of some of the merchants. The proportion of the Company's servants was too large; the duty to the Company was too small: the agents appointed to sell the salt had made an improper use of their power; they had not strictly kept to their contract, which was, that they should receive five per cent. upon the sale of salt, as a recompence for their trouble, and that they should not enter into any trade for themselves, under a very severe penalty.

'I therefore proposed a plan for the next year, which I think destroyed every idea of monopoly. The Society, instead of employing agents up the country to dispose of the salt, were to sell it at Calcutta, and at the places where it was made to the black merchants only: who were each limited to a certain quantity of purchase, and tied down to a price for sale at every market town. The duty to the Company was now established at fifty per cent. which would produce 160000 l. per annum; the black merchants were to have the liberty of transporting the salt all over the country, free from every taxation or obstruction; and the strictest orders were issued, that no Englishman, or their agents, should directly or indirectly have any further concern in it'.—See Clive's speech in the House of Commons on March 30th, 1772, in Cobbett's *Parliamentary History of England*, Vol. XVII (1771-74.)

[4] See Clive's minute in the Proceedings of the Select Committee, Fort William, of 3rd September, 1766.

their prerogative but of the privileges of the natives and repugnant to the express and repeated orders of the Court of Directors. The indulgence however in the trade of salt—upon the footing it will—I hope—now be established—should in my opinion obviate all complaints since it seems to be the most Equitable modus between the Company and their servants and at the same time a distribution of natural right to the people of the country. Considering the late great advantages of (if ?) unlimited inland trade are cut off—I cannot imagine that the Court of Directors will deny their Servants this share of benefit as a recompence for their attention and assistance in the management of the important concerns of these provinces'. At the same time, he had warned[1] the servants of the Company, saying that he 'would have the servants look upon these Emoluments as a gift from the hand of their Employers offered them annually in reward of their fidelity', and that these 'would certainly be withheld from them if ever their authority should be resisted and discontent and rapacity take place of gratitude and moderation'.

Before, however, the Select Committee had adjourned its meeting held on 3rd September, 1766, it had requested its President (Lord Clive) 'to prepare a letter' to be addressed by itself to the Court of Directors, for dispatch by the ship *Lord Camden*.[2] As a matter of fact, three letters were written to the Court to inform it of the alterations the Committee had made in the original 'Plan for carrying on the Salt Trade', together with the latter's 'Arguments on the Subject'—one on 6th September, 1766, by Clive, and two by the Committee itself, one on 8th September and the other on 5th December, 1766. Clive wrote[3] to the Court that, as the new covenants (regarding the acceptance of presents) and a strict obedience to its 'orders, more particularly in confining the

[1] See the minute referred to in the last foot-note.
[2] See *ibid.*
[3] See Lord Clive's letter to the Court of Directors, dated at Calcutta 6th September, 1766, para. 2; also the Commons' Report, Fourth, dated 21st April, 1773, and Appendix 54 thereto.

Trade of Individuals to Imports and Exports only ', had 'abridged the servants of many of their accustomed Emoluments', and as the Company had in fact become 'the sole Proprietors of the immense revenues of the 3 Provinces (of Bengal, Bihar and Orissa), not to mention the 12 or 13 Laak of Rupees p annum, now arising from the Duty upon Salt and Betelnut', he would desire that the gentlemen in its service might be suffered, 'as an encouragement to Industry and good behaviour', to enjoy 'the moderate proportion which is now settled of those great advantages that have accrued to their Employers'. Moreover, he had, he said, 'other reasons of great importance to the service', for which this indulgence might be continued. He, therefore, hoped that the new plan of the Salt Society would receive the approbation of the Court.[1]

The Select Committee wrote[2] to the Court on 8th September, 1766: 'Before this Time, probably, you have determined the fate of the Inland trade in Salt, Betel (nut), and Tobacco, whether it may be continued, under the regulations we have established or (is ?) totally to be relinquished by your Servants. We shall therefore only observe on this occasion, that certain amendments are now proposed by the President (i.e., Clive) and adopted by the Select Committee which we think will remove every Inconvenience observed in the present establishment of that Trade, and secure to the Company the power of rewarding or punishing their servants, according to the degree of their Merit or Misconduct'. And in its letter[3] of 5th December, 1766, the Committee wrote to the Court that the latter's

[1] See the letter referred to in the last foot-note.

[2] See the Select Committee's letter to the Court of Directors, dated at Fort William, 8th September, 1766, para. 25; also the Commons' Report, Fourth, dated 21st April, 1773, and Appendix 55 thereto.

[3] See the Select Committee's letter to the Court of Directors, dated at Fort William, 5th December, 1766; also the Commons' Report, Fourth, dated 21st April, 1766, and Appendix No. 56 thereto. Verelst has given the date of this letter as 9th December, 1766. That seems to be an error. (See his *View of the English Government*, etc., Appendix, p. 33.) There was, however, a "Supplement" to the letter, which was dated 9th December, 1766.

remarks on the inland trade had been so 'peculiarly striking and so perfectly agreeable' to its own sentiments 'respecting that perpetual Source of oppression and complaint', that it had determined 'immediately to apply the most efficacious Remedies to a disease which must in time have subverted the constitution, and endangered the being of the East India Company'; that by the *Admiral Stevens*, the Court had been 'informed of the Plan' which the Committee had 'concerted for carrying on the Trade in Salt, Tobacco, and Beetle Nut for the Benefit of the Company and their Servants without Injury to the Nabob, and without molestation or oppression of the natives'; that it had been the best and the most equitable system it 'could then devise'; but that experience had shown the necessity 'of laying the Trade under farther (*sic*) Restrictions, the reasons for which, together with the particular mode of conducting this valuable branch of Commerce in future' had fully been explained in Lord Clive's minute, entered in its proceedings (of 3rd September, 1766). In those 'Emendations of the Plan' on which the Society of Trade had been founded, all due regard, said the Committee further, had been paid 'to the sovereign Prerogative of the Company acting as Collectors for the King, and more especially to the scrupulous Distribution of natural Right to the native Inhabitants'. It, therefore, flattered itself that the inland trade would thenceforward prove to the Company 'a commodious Fund for rewarding the different Degrees of Merit amongst' its servants, and a fruitful 'Source for Encouragement to the Industry of the Country People', who were 'now, without Distinction, admitted to a Participation of its Benefit, upon the most reasonable and moderate Terms'. To the regulations framed 'for conducting the Business of the Society of Trade', it had added, the Committee remarked[1] in conclusion, 'a total Prohibition of another Species of Inland Traffic, in a Variety of Articles usually transported from one District of the interior Country to another, whereby an extensive Field was open for the Abuse of Power,

[1] See the letter referred to in the last foot-note.

and the most notorious Acts of Fraud and Injustice; all Europeans in your Service, or under your Protection, are now indiscriminately confined to trade in certain stated Articles of Import and Export; the Returns are to be made from the Places where the Goods were sold directly to the Presidency, or to the subordinate Factory from whence they were dispatched; and no circular Traffic, by way of Barter or otherwise, is in future to be allowed from one Aurung to another, on Pain of Confiscation of the Goods, and Loss of your Service and Protection.'

Thus Clive and his Committee attempted to justify their action, namely, the continuance of the Salt Society for a second year, before the Court of Directors.

As we have seen before,[1] the letter of the Court to the Select Committee, dated 17th May, 1766, disapproving of the plan which the Committee had transmitted to it in its letter of 30th September, 1765, 'for trading in Salt, Beetle Nut, and Tobacco', and confirming its previous orders for its entire abolition, reached Bengal on 8th December, 1766. Referring to the orders of the Court conveyed by this letter, Clive said to the Select Committee[2] on 16th January,[3] 1767, that the 'orders from the Court of Directors to abolish the Salt Trade' had been received. These orders 'must be punctually obeyed'. But as he was of opinion that 'the Trade, upon its present footing', was rather beneficial than injurious to the inhabitants of the country, and that 'a Continuation of this Indulgence, or some other equivalent' had 'become absolutely necessary, & would be an honorable Incitement to Diligence & Zeal in the Company's Service', he flattered himself that the Court of Directors might be induced to settle some plan that would prove agreeable to the wishes of

[1] See page 410 *ante*.

[2] See Clive's letter to the Select Committee in the Proceedings of the meeting of the Committee held at Fort William on 16th January, 1767. Clive was present at this meeting and himself delivered the letter.

[3] The delay in the consideration of the orders of the Court conveyed by its letter of 17th May, 1766, was due to 'the severe Indisposition' of Clive himself.—See the Select Committee's letter to the Court of Directors, dated at Fort William, 24th January, 1767.

the Committee.[1] And the Committee, thereupon, resolved[2] that, the Court of Directors having in its letter to it absolutely prohibited the inland trade in salt, betel-nut[3] and tobacco 'in any shape and upon any Plan whatsoever', 'the Society of Trade shall be abolished & the inland trade totally relinquished on the 1st Day of September next' (i.e., 1767). It decided, however, fully to express, in its 'next advices' to the Court, its sentiments 'respecting the advantage which would result to the service & to the country from the continuance of this Trade under the present Restrictions'.[4] Accordingly, the Committee wrote to the Court on 24th January, 1767[5]:—

'We come now to speak of your instructions relative to the Inland Trade You very *justly consider as the foundation of all the Bloodshed, Massacre and Confusion which have happened of late years in Bengal.*[6] Your orders are positive and therefore our obedience shall be implicit—Accordingly you will observe in our Proceedings (Jany 16) that the *Society* for conducting this branch of Traffic *stands absolutely abolished* on the 1st day of September next. The contract for the present year being formed and large advances made it was impossible without ruin to individuals and confusion to the Public, to fix an earlier date for the execution of your orders'.

The Committee remarked,[7] however, that, although its sense of duty obliged it to pay the strictest obedience to the peremptory orders of the Court for abolishing a trade to which the latter had expressed so strong an aversion, yet the same sense of duty required that it should freely offer its sentiments on a subject in which it thought the immediate

[1] See the Proceedings of the Select Committee at Fort William, dated 16th January, 1767.

[2] See *ibid.*

[3] The actual word used in the resolution was *Beetle*. The Committee must have meant betel-nut.

[4] See *ibid.*

[5] See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767, para. 20.

[6] The italics are ours.

[7] See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767, para. 21.

interest of the Company, 'the good of the service, and the public welfare' were deeply concerned. The Court of Directors, and indeed the whole body of Proprietors, the Committee further observed, had found it necessary to restrain by covenants their civil and military servants from receiving those advantages to which they had for many years been accustomed. It had also been proposed in order that the Company might enjoy the real fruits of its 'late Acquisitions' (i.e., the *Diwani* of Bengal, Bihar and Orissa), 'to make such an Increase of Investment, particularly in Silk', as would effectually deprive its servants of the usual benefits arising from private trade. Moreover, these servants had been prohibited from lending money at a higher rate of interest than 12 per cent per annum in order that the revenues of the Company might not be injured in any degree; and 'a Trade by Sea, in the Manufactures of the country, being the only remaining Channel for the Exertion of Industry, that likewise' was choked up 'by those shoals of Free Merchants[1] annually imported, who being incumbered with no public Business, nor confined to Residence in Bengal' could 'carry on a Free Trade with every Port in India, to much greater Advantage' than the servants of the Company.

'Taking all these circumstances into consideration, reflecting also upon the great Encrease (*sic*) of luxury of late years, in consequence of the sudden influx of wealth and that it will not be practicable for a time to reduce the charges of living to the present means of supporting those charges, we adopted,' continued[2] the Select Committee, 'in consequence of your permission the plan of a regular[3] and restricted inland Trade, as the best method of rewarding faithful services the surest means to excite Zeal and the fairest mode of carrying on a beneficial Trade with(out) relinquishing all the advantages

[1] See page 332, foot-note 2, *ante*.
[2] See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767, para. 22.
[3] The word is 'regulated' in the Commons' Report, Fourth, dated 21st April, 1773, App. 58, and also in the copy of the relevant letter as given by Verelst (*A View of the English Government*, etc., App., p. 45.)

we have hitherto received or subjecting the natives to those encroachments on their natural rights, of which they have with too much reason complained'.

'We are *now*,' said[1] the Committee in conclusion, 'directed *totally to renounce all share in, and benefit arising from, this Trade*;[2] it must be made over to the Natives. The Government must of Course come into Possession; nor can it be carried on otherwise than upon the ancient Footing of farming it out to the Ministers, Officers, Favourites, and Dependents on the Government; who will rear immense Fortunes upon the Oppression and Ruin of the Public, in Despite of our utmost Influence and Endeavours. These are at present our Suspicions; Time alone can verify our Conjectures. You no doubt will maturely consider, how far it is probable men will continue honest against all the Seductions of private Interest; and whether it may not be necessary to strengthen the Ties of that Duty expected from your Servants, by the tighter[3] Bonds of Gratitude, for the Affluence which they enjoy during the Time of their Servitude, and the Independency they ought to secure before the close of their Labours'.

We next find, however, in the Proceedings of the meeting of the Select Committee, held at Fort William on 11th February, 1767, that the Committee adopted on that day a resolution to the effect that publication should be made by its Secretary of its resolution of 16th January, 1767, 'to abolish the Society of Inland Trade in the articles of Salt, Beetle[4] and Tobacco on the 1st Day of September next;[5] after which Day no European whatsoever living under the Honble Company's Protection, shall be permitted to trade directly or indirectly in the above articles, on Pain of forfeiting the Company's Service and Protection'.

And at its meeting, held at Fort William on 4th August,

[1] See the Select Committee's letter to the Court, dated at Fort William 24th January, 1767, para. 24.

[2] The words in italics are underlined in the relevant manuscript.

[3] In Verelst's copy of the letter the word is *lighter*. Verelst, *op. cit.*, Appendix, p. 45. *Tighter* seems to be more appropriate.

[4] See in this connexion foot-note 3 on page 418 *ante*.

[5] I.e., 1767.

1767, the Select Committee confirmed its previous resolution 'for abolishing the Society of Trade on the 3rd[1] of September next, & restoring to the Natives the Trade in Salt, Betlenut & Tobacco, pursuant to the orders' transmitted to it by the Court of Directors; and agreed to recommend to the President and Council at Fort William 'the making immediate Publication, that after the 3rd[2] Day of September next all Company's Servants & other Europeans residing under Protection of the British Flag, shall be utterly excluded from all share and Participation in the Trade of Salt, Betlenut & Tobacco; and that whoever presumes after that Date to engage in the manufacturing or sale of those Articles, excepting of the Ballances now in the Hands of the Society & of Individuals shall on the first Trespass forfeit the Service and Protection of the Company, and likewise undergo such further Pains & Penalties as the Board may think it necessary to prescribe for fulfilling the spirit & Intention of the Hon. Company's orders'.

Moreover, the Committee decided at this meeting to write the following letter[3] to the Resident at the Durbar:—

'Sir,

'You are already acquainted with the Resolution formed by this Committee of enforcing the Company's orders for abolishing the Society of inland Trade by the 3rd[4] Day of September next, and restoring to the Natives that Branch of Commerce to the utter Exclusion of all Europeans residing under Protection of the British Flag.

'We have at our last Meeting confirmed the above Resolution & farther determined upon exerting our utmost Endeavours to answer in the most ample & effectual Manner the full Spirit & Intention of these Instructions conveyed to us by our Honble Employers.

'In depriving their Servants of all share & Participation

[1] This is curious: the date originally agreed upon was the 1st of September, 1767.

[2] See the preceding foot-note.

[3] The letter was dated August 4th, 1767. See the Proceedings, Select Committee, Fort William, of 4th August, 1767.

[4] See foot-note 1 above.

of the inland Trade in Salt, Betlenut & Tobacco, the Court of Directors evidently aim at diffisuing (diffusing ?) this Traffic in the most extensive and equitable Manner amongst the Natives themselves, so as to prevent a Monopoly of it in the Hands of Ministers, Favorites & Dependants of the Government, to the Injury & oppression of the industrious Merchant & Labourer. They seem also to hope, that so striking an Instance of their disinterested Views will make a deep Impression on the Minds of the people, and prove the most effectual Means of conciliating them to our administration.

'You will therefore use your utmost Influence in recommending to the Ministers whatever may best serve to promote those Purposes of the Honble Court of Directors.

'To this End we think it essentially necessary, that the most positive orders shall be issued by the Ministers to the Zemindars of those Lands where Salt is manufactured, that no one Person be permitted to work all the Calaries within their respective districts; but that the same be divided and diffused among as many of the Merchants as are willing to engage in the making of Salt: and that the orders of the Ministers may not be eluded by the Artifice and Contrivance of the Zemindars, we would recommend, that a monthly Return shall be made to the City, specifying the names of the several Merchants employed & also the Quantity of Salt manufactured in each District.

'We would further recommend your explaining in the most satisfactory Manner to the Ministers, that as Dewan for the King, the Company are not desirous of reaping to themselves any Advantage from the inland Trade in Salt, Betle (nut ?) & Tobacco, excepting by Means of the established Ground rent & Duties. You will urge to them, that it is our wish the Duties may be adjusted at the Bandahrs & Chokies in as easy and equitable a Manner as possible ; that the Collections may be made by the officers of the Government only, and that all their Attention be exerted to prevent those Duties from being farmed out, whereby a Monopoly most injurious to the Public and destructive of the Company's

Views might ensue. In a Word, it is our Inclination to forward the Company's Intentions by every Means that (may ?) be devised; & the Ministers will from thence readily perceive the Policy, the Justice & the Necessity of excluding the French, Dutch & Danes equally with the English, from all share and concern in the Trade of Salt, Beetlenut & Tobacco'.

It appears, however, from a Report[1] of a Parliamentary Committee that 'Lord Clive, after his Arrival in England, in a Letter, dated the 28th of August 1767, used many Arguments with the Court of Directors, to induce them to continue the Benefit of the Salt Trade to their Servants'. Among other things, he stated therein[2] that the necessity of rewarding the superior servants of the Company, both civil and military, was obvious; since the large investment required by the Company made it impossible for individuals, who performed their duties, to acquire anything considerable by private trade. The means of regulating this reward had frequently engaged his attention; and after the most mature deliberation, he had found none so convenient, proper, or equitable as the trade in salt. 'If you[3] grant a Commission upon the Revenues', he further said,[4] 'the Sum will not only be large, but known to the World; the Allowance being publicly ascertained, every Man's Proportion will at Times be the occasion of much Discourse, Envy and Jealousy; the Great will interfere in your Appointments, and Noblemen will perpetually solicit you to provide for the younger Branches of their Families; a Commission upon your Investments, whether upon the Provision in Bengal or upon the Sales in Europe, is liable to the same objections'.

Besides, he pointed out in his letter[5] that it was an erroneous opinion that the trade in salt had 'formerly' been an 'open' one. It had ever been, and must ever be, a monopoly.

[1] See the Commons' Report, Fourth, dated 21st April, 1773.

[2] For Clive's letter to the Court of Directors, dated 28th August, 1767, see *ibid.*, Appendix 59. The letter appears to have been actually addressed to a Committee (?) of the Court.—*Ibid.*

[3] I.e., the Court of Directors.

[4] See *ibid.*

[5] See *ibid.*

'Some great Favourite or Favourites always had the whole in their own Hands; for which they not only paid an annual Piescash, or Acknowledgement in Money, to the Subah, but likewise gave considerable Presents, both in Money and in Curiosities, to him and to his Minister: But the Natives can have no just Cause of Complaint, provided they be furnished with this Article upon more reasonable Terms than formerly.'[1] And this would be the case, he said, under the plan of the Salt Society as framed by the Select Committee. The salt trade should, therefore, in his opinion, be 'confirmed (confined ?) to the Select Committee, the Council, the Field Officers, and the Senior and Junior Merchants'.[2]

The resolution of the Select Committee of 16th January, 1767, for abolishing the Society of Trade, was placed before the Council on 16th[3] February, 1767, and the Council ordered it to be published.[4] It appears, however, from the report[5] of the Parliamentary Committee referred to above, that the Society 'was not in Fact dissolved till the 14th of September, 1768'. Meanwhile, the Court had repeated its directions regarding the Salt Society.

As we have seen before,[6] the Second Plan of the Society of Trade which the Select Committee had framed on 3rd September, 1766, had been placed before, and approved by, the Council on 8th September, 1766. With reference to this action of the Council, the Court of Directors wrote[7] to the President and Council at Fort William on 20th November, 1767, that it had taken their plan for conducting the salt trade, as contained in their Proceedings of 8th September,

[1] The argument that the trade in salt had been a monopoly before and that, therefore, it must ever be a monopoly, does not seem to us to be at all convincing. It amounts in essence to this that because a wrong had existed in the past, this was a sufficient justification for its continuance in future.

[2] See Clive's letter to the Court of Directors, dated 28th August, 1767, already referred to (p. 423).

[3] And not on 15th February as the Commons' Report (Fourth, dated 21st April, 1773), says.

[4] See the Commons' Report, Fourth, dated 21st April, 1773.

[5] See *ibid.* [6] See page 410 *ante.*

[7] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 88.

1766, into its most serious consideration, and that, 'having revised' all that they as well as it itself had written on the subject of the inland trade in general, and of salt in particular, it was 'the more convinced of the absolute necessity of excluding all Persons whatsoever excepting the natives only from being concerned therein'. It, therefore, 'ratified' and 'confirmed' the orders which it had previously given in its letters of 19th February and 17th May, 1766,[1] that 'no Company's Servant, Free Merchant, or any European, shall in any mode or shape whatsoever either by themselves or agents directly or indirectly Trade in or be concerned in carrying on an Inland Trade in Salt, Beetle-nut, Tobacco or in any other articles produced and consumed in the Country'. Further, it directed 'such Trade' to be 'hereby absolutely abolished and put a final End to, agreeable' to its 'before-mentioned Orders'.[2] Moreover, the Court enjoined:[3] 'If any of the before described Persons shall directly or indirectly carry on or be concerned in such Inland Trade, or in farming the Callaries or making salt, if a Company's servant he is to be immediately dismissed the Company's service, and from all others, the Company's Protection is to be forthwith withdrawn'.

Lastly, referring in this connexion to the interests of the people of this country, the Court declared:[4] 'Past Experience has so impressed us with the Idea of the necessity of confining our Servants and Europeans residing under our protection, within the ancient Limits of our Export and Import Trade that we look on every innovation in the Inland trade as an intrusion on the natural Right of the Natives of the Country, who now more particularly claim our Protection and *we esteem it as much our Duty to maintain this Barrier between the two Commercial Rights, as to defend the Provinces from Foreign Invasions.*'[5]

[1] See pages 408 and 411 *ante*.
[2] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 88.
[3] *Ibid.*, para. 88.
[4] *Ibid.*, para. 90.
[5] The italics are ours.

As shown before,[1] while forbidding participation by its servants in the inland trade of the country, the Court was not indifferent to their interests. 'As the Trade of our Servants', it wrote[2] to the President and Council at Fort William on 20th November, 1767, 'is to be confined to the Articles of Import & Export only, in which they shall be considerably affected by the great Demands for extending the Company's Investments, and considering the great Encrease of Business in which our principal Servants are necessarily engaged, and which demand their utmost care and attention, We are come to a Resolution to give them a reasonable Encouragement to exert themselves with zeal and alacrity in their several Departments, but which they are to look upon as a Free Gift from the Hand of their Employers, offered to them annually so long as the present Revenues shall remain with the Company, and their Behaviour shall continue to merit such a Reward'. It, therefore, ordered and directed[3] that the President (Governor) and Council should 'draw out an Annual account of the Sums received from the Duannee deducting thereout the stipulated Payments to the King and the Nabob and the allowance to the Nabob's ministers; also of the Revenues of the Provinces of Burdwan, Midnapur, Chittagong and the Calcutta Purgunnahs from which are to be deducted Lord Clive's Jaghire and the ordinary Charges of Collection'. And upon the amount of the said net revenues, they were 'Indulged to draw a Commission of two and an half P Cent.' The sum which was 'to be the produce of the said Two and a half P Cent' commission, was to be divided into one hundred parts or shares for appropriation by the Governor and others as specified in the Court's letter referred to above.[4]

[1] See pages 142–45 *ante*.
[2] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 105.
[3] See *ibid*., paras 106–108.
[4] As stated before (see pages 142-45 *ante*), shares were ordered to be distributed as follows :—

The Governor (President)... ...	Thirty-one shares.
The Second Member of Council ...	Four shares and a half.
The remaining members of the Select Committee not having a Chiefship...	Each, three shares and a half.

The Court also directed that 'the before mentioned Commission of Two and an half P cent' was to 'commence from

The remaining members of the Council, not having a Chiefship ... Each, one share and a half.

(The Chiefs of Cossimbazar, Patna, Dacca, and Chittagong were not to have any share in the commission).

The Resident at the Durbar ... Four shares and a half.

(He was not to have any share in any other capacity, say as a member of the Council or of the Select Committee).

As shown below, the Company's military officers, too, were not ignored in this connexion :—

The Commander-in-Chief... ... Seven shares and a half.

(He was not to have any share in any other capacity, i.e., either as a member of the Council or of the Select Committee).

The Colonels	Each, two shares and a half.
Lieutenant-Colonels	Each, one share and a half.
Majors	Each, three quarters of a share.

Besides, the Court directed that the following classes of military servants should receive, over and above their 'established Pay', the allowances stated against them, 'by way of Donation or Gratuity only':—

A Captain	Three shillings a day.
A Lieutenant	Two shillings a day.
An Ensign	One shilling a day.

(Double Batta was not to be restored to any military officer whatsoever).

Finally, as the Court expected that a considerable sum out of the commission of two and a half per cent would, even after the abovementioned distribution of shares, remain unappropriated, it directed that this surplus amount should be carried to the Company's credit under the head of 'unappropriated commission', until the President and Council received further orders from the Court concerning the disposal thereof.

—See the Company's General Letter to the President and Council at Fort William in Bengal, dated 20th November, 1767.

As previously noted (see page 143, foot-note 7, *ante*), the Court ordered a new distribution of the commission of 2½ per cent of the Company's net territorial revenues, in its General Letter to Bengal, of 23rd March 1770. Briefly speaking, it directed that from the receipt of this letter one-eighteenth part should be first drawn from the amount of the said commission and paid as a separate share to Major-General Coote, Commander-in-Chief of all the Company's Forces in the East Indies; and that the sum which would remain after such deduction, should be divided into one hundred shares for distribution in the following manner :—

The Governor	31 shares.
The Second Member of Council ...	4½ shares.
Brigadier-General Sir Robert Barker...	5½ shares.
Seven members of Council, each ...	2 shares.
The Colonels	5 shares to be equally divided amongst them.

the 1st Day of September 1767'.[1] But as it had previously ordered that the allowance granted to the Governor of 'one and one eighth P Cent on the Duannee Revenues' was 'absolutely to determine and cease on that Day', it further laid down[2] :—

'That from the said 1st Day of September last (i.e., 1767) *to the time of the arrival of these Advices*, an allowance of one and one eighth P Cent on the Company's nett Territorial Revenues be made to the Governour, and that then the sum arising from the remaining one and three eighths P Cent (which compleats the Two and an half P Cent Commission) be proportioned among our principal Servants Civil and Military[3] pro-rata according to the respective shares allotted them by our present Appointment[4] and you (i.e., the President

Lieutenant-Colonels	8½ shares to be equally divided amongst them.
Majors	5¼ shares to be equally divided amongst them.

The Court further directed that 'the whole of the unappropriated Shares', together with what might be added thereto as a result of the death or resignation of Major-General Coote, was to be given away as allowances to Captains, Lieutenants and Ensigns, over and above their pay, as previously ordered by it in its letter of 20th November, 1767 (see above).

—See the Company's General Letter to Bengal, dated 23rd March, 1770, addressed to the President and Council at Fort William.

[1] See the Company's General Letter to Bengal, dated 20th November, 1767, para. 118.

[2] See *ibid*.

[3] Obviously excluding the Governor.

[4] We may, without going into details, give below some figures illustrating the amounts of the commission received under these directions by some of the servants of the Company entitled thereto :—

The total distributable commission during the year from 1st September, 1767, to 31st August, 1768, was Current Rupees 562175-2-9 —Cr. Rs. 475398-5-9 being the commission on the net revenue of Cr. Rs. 19015934-8-9 for 9 months from 1st September, 1767, to 31st May, 1768, and Cr. Rs. 86776-13-0 being the commission on the net revenue of Cr. Rs. 3471072-12-0 for 3 months from 1st June to 31st August, 1768.

Cr. Rs. 213929-4-3 being 1⅛ per cent of the net revenue for 9 months was the Governor's share in the commission during the same period.

Cr. Rs. 261469-1-6 being 1⅜ per cent of the net revenue for the same period, was proportioned *pro rata* among civil and military servants (obviously excluding the Governor), as directed.

And Cr. Rs. 86776-13-0 being the total commission for the last three months, was divided into 100 parts and appropriated among civil and military servants as directed.

and Council) are to take notice that *from and after your receiving these dispatches*[1], the Amount of the two and an half P Cent Commission is to be appropriated in the manner before directed'.[2]

The result was:

Mr H. Verelst received, as Governor, a total commission of—Cr. Rs. 240830-1-3 for the year from 1st September, 1767, to 31st August, 1768—Rs. 213929-4-3 as 1¼ per cent of the net revenue for 9 months from 1st September, 1767, and Rs. 26900-13-0 as $\frac{31}{100}$ parts of the commission for the following three months.

Mr John Cartier, Second Member of Council, received for his 4½ shares Cr. Rs. 27095-2-3—Rs. 23190-3-0 for the first nine months and Rs. 3904-15-3 for the following three months as shown above.

Mr Francis Sykes, Resident at the Durbar, received in the same manner as Mr Cartier, Cr. Rs. 27095-2-3, during the same period.

Mr Richard Becher, a member of the Select Committee at Fort William, received for his 3½ shares a total commission of Cr. Rs. 21074-1-10—Rs. 18036-14-10 for the first nine months and Rs. 3037-3-0 for the following three months.

Mr James Alexander, a member of Council, received for his 1½ shares a total commission of Cr. Rs. 9031-11-11—Rs. 7730-1-6 for the first nine months and Rs. 1301-10-5 for the following three months.

Etc. Etc.

—*Vide Further Report from the Committee of Secrecy, appointed by the House of Commons to enquire into the State of the East India Company*, 1773, Appendix 34(A).

[1] The italics are ours.

[2] We may give here some illustrative figures showing the amounts of the commission received, under this direction, by different categories of civil and military servants entitled thereto, *for six months from 1st March to 31st August, 1769*:

Name	*Designation*	*Number of shares*	*Current Rupees*		
Harry Verelst ...	Governor ...	31	97328	11	2
John Cartier ...	Second in Council...	4½	14128	5	0
Brigadier-General Richard Smith ...	Commander-in-Chief & Third in Council	7½	23547	4	3
Richard Becher ...	Resident at the Durbar ...	4½	14128	5	9
James Alexander ...	Member of Select Committee ...	3½	10988	11	7
Claud Russell ...	Member of Council	1½	4709	7	3
Sir Robert Barker ...	Colonel ...	2½	7849	1	5
Alexander Champion...	Lieutenant-Colonel	1½	4709	7	3
Christian Fischer ...	Major	¾	2354	11	7
John Taylor ...	Surgeon ...	¾	2354	11	7
Andrew Williams ...	Surgeon-Major ...	¾	2354	11	7
Etc.	Etc.				

—*Vide Further Report from the Committee of Secrecy, House of Commons*, 1773, App. 34(C).

It should also be noted in this connexion that in its Instructions[1] of 15th September, 1769, to the Special Commissioners to whom reference has already[2] been made, the Court of Directors enjoined them to enquire into such abuses as had been 'committed or Practised, in carrying on and continuing an exclusive Trade in the Articles of Salt, Beetle Nut, and Tobacco, contrary' to its 'express Directions and Orders', and directed them also to enquire into the reasons as to why such orders had been disobeyed or neglected. Strangely enough, it declared at the same time its intention that 'those Trades' should be '*laid open to all Persons, as well Natives as Europeans*',[3] but on the condition that 'the English subjects' should be 'permitted to Trade therein, only upon the same footing, and under the same Duties & Restrictions as Natives, or other subjects' did. Moreover, the Court asked them to 'take particular care, that these Duties or Regulations' were 'not evaded, under pretence of any Respect due unto, or the Influence of the English Flag'. 'It excites our utmost Indignation to find', it added,[4] 'that great Fortunes have been acquired by Persons in our Service, in Trades Carried on in direct opposition to our express Injunctions and Commands; and as we cannot too severely punish such contumacious Practices, we desire you will endeavour to discover the principal actors and abettors in these acts of disobedience; and upon due proof, that you will not only dismiss them from our Service, but that you will take all legal Measures to obtain Satisfaction to the Company in the Courts of Justice in India; and in Cases where the Evidence may not be found sufficient, or effectual, to procure Redress and satisfaction, by the strict Rules of Law there, that you will transmit to us the fullest, and most explicit proofs of the Facts, which you are capable of obtaining'.

[1] See the Court's Instructions to the Special Commissioners, dated 15th September, 1769, relating to the Presidency of Fort William in Bengal, para. 27.

[2] See pages 293-94 *ante*. [3] The italics are ours.

[4] See the Court's Instructions to the Special Commissioners, dated 15th September, 1769, relating to the Presidency of Fort William in Bengal, para. 27.

As may have been noticed, the Court, curiously enough, modified in these instructions its previous directions regarding the inland trade in salt, betel-nut and tobacco, by throwing it open, subject, however, to a condition, '*to all Persons, as well Natives as Europeans*'.[1]

It may be mentioned here that, meanwhile, at its meeting held at Fort William on 29th December, 1767, the Select Committee had directed the following Regulations[2] to be communicated to the Nawab's Government for circulation by his Ministers 'to the Zemindars and officers of the Government':—

1. 'That they[3] are to suffer no Gomastahs whatever to reside in the Districts within their Jurisdiction but such as are empowered by having Perwannahs[4] from the Governor'.

2. 'That no Gomastahs are to buy or sell but such articles as are specified in their Perwannahs, and those with the consent & free will of the Ryotts, & by no Means to use Force or Compulsion in the prosecution of their Business. That in Case any Gomastah do buy or sell of such articles as are not specified in their Perwannahs, or do collect grain or other necessaries of Life to sell again on the spot, or any ways oppress or ill use the Ryotts—the officers of the Government are required to exert their Authority to suppress such Abuses, and in Case of any Disobedience or non-compliance on the part of the Gomastahs, they are to represent the same to the Ministers, who will cause exemplary Punishment to be inflicted'.

3. 'That the Trade[5] in Salt, Betlenut & Tobacco is in future to be carried on by such Merchants only as (are)

[1] The italics are ours.

[2] The Select Committee had substituted these Regulations for those which the Nawab's Ministers had previously circulated among the zemindars and officers of his Government at the instance of Mr Francis Sykes, Resident at the Durbar, and a copy of which Mr Sykes had transmitted to it, together with his letter to it of 25th November, 1767. See the Proceedings, Select Committee, Fort William, of 29th November and 29th December, 1767, and also of 12th January, 1768.

[3] I.e., the zemindars and officers of the (Nawab's) Government.

[4] See Glossary.

[5] For this trade in salt, betel-nut and tobacco, also see pages 435–36 *post*.

Natives of the Country, and as a stated Duty will be collected on those articles before a Rowaunah[1] is granted for their proceeding from the Place of the Purchase, no further Collections, whether of Mongon[2] or other Customs are to be made thereon, in order that from the sale of the Merchants Goods to the Consumption of the Poor, there may be no cause of Enhancement in the Price. . . . . .'

4. 'That the English, French, Dutch & other Foreigners are by the Nazim forbidden to traffic in Salt, Beetlenut & Tobacco. They are also forbidden to trade in Grain and other Articles essential for the immediate necessaries of Life, except for the Consumption of the Inhabitants residing in their Settlements under their Protection. The Intention of the Nizamut respecting the licensed Trade of the English French, & Dutch Companies are relative only to Cotton, Silk and such other goods as are exported from this Country to foreign Ports. That whenever any Gomastahs taking the names of the English French & Dutch Companies do carry on Trade in unlicensed Articles, it is the duty of the officers of the Government to seize and send them to the City : but that whilst their People carry on such Business only as is allowed of, and has of old been customary, behaving themselves peaceably & quietly & without oppression towards the Ryotts, their Commerce is to be supported & no Impediment thrown in their Way'.

5. 'That as the Freedom & Circulation of Trade are the Means of giving Bread to the industrious Inhabitants; the Manufactories (*sic*) of Cloth & Silk, the Employment of the Poor; and the sale of their Grain & the Product of their Lands enable the Ryotts to pay their Rents & support their Families : it is proper that the office(rs) of the Govt do afford every necessary encouragement & protection as well to the Merchants & Traders of the Country, as to such Gomastahs who are furnished with Perwaunahs, under the above Restrictions, and Carry on their Trade with the Consent & Freewill of the Ryotts and that whosoever of the

[1] See Glossary. [2] See Glossary.

Aumills & Zemindars is found deficient therein, they will be made answerable for it in the severest manner'.

6. 'That no European Nation shall be permitted to establish new Factories, or any European to go into the Country and Carry on a Traffic without express permission of the Government under Pain of Confiscation of all such Goods as he may be thus trafficking'.

7. 'That it being the Desire of the Nazim,[1] to prefer before all Things the good Order & well governing of these Provinces, these Regulations are established in order that the Poor may be relieved from oppression & Vexation, & the Merchants enabled to carry on their Trade with Freedom which are the Means of Wealth to the Country & Benefits to

[1] It may be interesting to note here that the corresponding Regulation previously circulated (see foot-note 2 on p. 431) by the Nawab's Ministers to the zemindars and officers of his Government, had said:—

'That it being the Desire of the Nazim and the English Compan to prefer, etc. . . . . .'

The Select Committee deleted, however, the words 'the English Company', and wrote to Mr Francis Sykes, Resident at the Durbar, on 29th December, 1767, in justification of this and the other changes made by it in the Regulations as originally circulated by the Nawab's Ministers (see foot-note 2 on p. 431):—

'We are sorry to observe, that in those Regulations you have made the Hon'ble Company Co-adjutors to the Government whereas it has ever been our Intention to acknowledge the latter as Principals, & to content ourselves with enjoying our Privileges under them, in like manner with the other European Nations trading in Bengal. This we now repeat and desire that you do by no means in future make the Company appear as a Principal in any Measure or Act of Government'.—See the Proceedings, Select Committee, Fort William, of 29th November and 29th December, 1767.

In a letter, dated at Moidapore (Moorshedabad) 9th January, 1768, Mr Sykes wrote to the Select Committee in reply that he was sorry to find that the Regulations he had recommended (see foot-note 2 on p. 431) to the Ministers had not met with its entire approbation. 'My Intention', he further said, 'in adding therein the Name of the Company to that of the Nazim, arose from a Desire of pointing out to the Natives and Inhabitants of the Country, in the strongest manner possible the high obligations which they lay under to our Honble Employers; and to convince them, that the English Company in depriving their own Servants and the Europeans dependent on themselves, of all share of the Benefits of the Inland Trade, had in view to prefer before every other consideration, the Welfare and Happiness of the People of these Provinces'. In regard to the position of the Nawab, he said, 'I have on every Occasion been as attentive as possible to the point You recommended of acknowledging the Nabob as principal in the Government, and have always avoided interfering in any public act

its Inhabitants—It is therefore required, that the strictest obedience be paid to this Perwaunah, and that it be registered in the public Cutcherry, and circulated to all the lesser Aumills & Zemindars, that whenever any Disputes or Disturbances shall happen with Gomastahs or others, recourse may be had hereto (*sic*), and Decision given accordingly'.

We have given above a brief account of what is known as the Salt Society, or the Society or the Committee of Trade, in so far as it was connected with the question of the Company's civil servants. There has been a good deal of controversy over the question whether such a Society should have been at all established even in their interest. We have stated the arguments that were urged in favour of its institution as well as those urged against it. We have seen the attitude of the Court of Directors towards it. William Bolts[1] characterised the monopoly established by the Society as 'the most cruel in its nature, and most destructive, in its consequences, to the Company's affairs in Bengal, of all that have of late been established there'. On the other hand, we have seen the views of those like Lord Clive and Mr Sumner, who originated the Society. The controversy was inevitable, regard being had to the position and the political influence of the Company in Bengal, especially after its acquisition of the Diwani. The question was also raised in Parliament, and Clive, while defending the institution in

except where the Revenues were concerned, in which, I conceive, the Company as Dewan to the King have a right to interfere, as also, that it is extremely necessary they should, for the proper Application thereof, and to prevent the Dissipation of the public Wealth and an entire Misapplication from its proper Channel. The Regulations with the Amendments you have made, I shall recommend to the Ministers in compliance with your Directions to be substituted in lieu of those already circulated'.—See the Proceedings, Select Committee, Fort William, of 12th January, 1768.

[1] See his *Considerations on India Affairs*, 1772, p. 164.

He also stated: 'Perhaps it stands unparralelled (*sic*) in the history of any government that ever existed on earth, considered as a public act; and we shall be not less astonished when we consider the men who promoted it, and the reasons given by them for the establishment of such exclusive dealings in what may there be considered as necessaries of life'.—See *ibid.*

the House of Commons, said among other things, on March 30th, 1772:[1]

'The Select Committee established their plan upon experience and a thorough knowledge of the Company's interest: and the Conduct of the Court of Directors, in abolishing it was founded upon obstinacy and ignorance.'

Again:[2]

'I have said before, that the directors disapproved of the trade in salt, betlenut, and tobacco carried on by the servants, from the first moment that they became acquainted with it.

'They positively and repeatedly ordered, that they (i.e., the servants) should have no concern in it, directly or indirectly; they declared that it was an infringement of the rights of the natives; that they had *consulted the sages in the law*,[3] and that the servants were liable to prosecution for persevering in that illicit trade . . . . They issued orders, that their servants, who acted as sovereigns, should totally relinquish this trade themselves, and endeavour to prevent its being monopolized by any rich overgrown merchant of the country; they meant that it should be laid open to the natives, and to them only, not seeing that their orders could not extend to the servants of foreign Companies, who would of course gain considerably by that trade, of which the English were to be deprived'.

Moreover, referring to the commission of two and a half per cent alluded to before, Clive observed:[4]

'In November, 1767, and not before, the court of directors came to a determination of allowing their servants, in lieu of this trade, two and a half per cent. upon the revenues: they then also, for the first time, thought of establishing a duty upon salt; they proposed fixing it so as that it should produce to the Company 31000 l. per annum. At this time I was in England, I heard accidentally what was in agitation. I

[1] See Clive's speech in the House of Commons on 30th March, 1772, in *The Parliamentary History of England from the Earliest Period to the year 1803*, Vol. XVII (1771-74), London (printed by T.C. Hansard, 1813).

[2] *Ibid.*

[3] The italics are ours.

[4] See *ibid.*

expostulated with the court of directors by letter;[1] I represented to them that they were doing the most manifest injury to the Company; that if those advantages which the Select Committee had proposed for the servants were disapproved of, they ought to be enjoyed by the Company: that these advantages and the duties together would amount to 300000 l per annum, which I thought no inconsiderable object. I farther (*sic*) represented to them, that although they should give the servants two and a half per cent. on the revenues, in lieu of the salt trade, the gentlemen might still trade in that article, under the names of their banyans or black agents, to what extent they pleased'. 'To these representations', he said in conclusion,[2] 'they paid no other attention than that of altering the proposed duty from 31000 l to 120000 l per annum. What was the consequence? The servants received the two and a half per cent. on the revenues; they traded in salt as much as before,—but without paying the duty; and I am well informed that the Company, from the time of the abolition of the Committee's plan to this hour, have not received a shilling duty. Finally, the court of directors suffered this branch of trade to revert to the very channel from whence had flowed all those abuses and all those misfortunes which they had so loudly complained of'.[3]

There was a note of sarcasm in Clive's remarks; but there was also some force in his arguments. Perhaps he had done in regard to the inland trade in salt, betel-nut and tobacco what he had thought wise and right in the circumstances of the time. The true remedy, however, against the misconduct on the part of the Company's servants had lain in the enhancement of their salaries. As this had not been possible, he and his colleagues had had recourse to the expedient of the Salt Society. In defending his action, Malcolm[4] has said

[1] See Clive's letter to the Court, dated at Bath 14th November, 1767, in the Commons' Report, Fourth, dated 21st April, 1773, Appendix 60; also in Forrest, *The Life of Lord Clive*, vol. II, pp. 358–59.

[2] See Clive's speech in the House of Commons on 30th March, 1772.

[3] Verelst also has made remarks practically to the same effect. See his *View of the English Government in Bengal*, p. 121, foot-note.

[4] See Malcolm, *The Life of Robert, Lord Clive*, Vol. III, 1836, p. 95.

that, when Lord Clive reached India, one of the first objects that engaged his attention was the manner in which the public servants should be remunerated. At that time their 'direct salaries[1] were very trifling . . . . The Company was originally strictly a trading Company, and its clerks and servants were paid chiefly by being allowed to trade on their own account. When the Company found it necessary to have troops for the defence of their factories, their military officers were paid in the same way. All were merchants and traders, from the governor, the commandant, and the chaplain, down to the youngest writer and ensign . . . Clive was particularly desirous . . . . that the chief men in the administration of affairs, but especially the Governor, should be withdrawn from trade, and from whatever could warp the freedom of their opinions: it is a subject to which he often reverts in his private correspondence '.[2]

But to expect, Malcolm has further said,[3] 'that the Directors would directly sanction large salaries to their servants from the profits of the Company's trade, or from their territorial revenues, was vain. It was quite at variance with the old maxims by which they were accustomed to regulate their concerns'.

There seemed, therefore, according to Malcolm,[4] no alternative 'but either to let things proceed in the ruinous course in which they now were, to enforce the Covenants (regarding the acceptance of presents), and enter, unaided, on a hopeless struggle between private interest and public duty; or to find means, from such resources of the country as were not yet claimed by the Company, to pay the superior servants in an adequate and ample manner; and this last he resolved to attempt'.

Granting all these to have been true, we do not find, however, any adequate justification for the remarks which Clive made in the House of Commons against what the Court of Directors had done in regard to the question of the

[1] Also see page 319, foot-note 1, *ante* in this connexion.
[2] See Malcolm, *The Life of Robert, Lord Clive*, Vol. III, pp. 95–99.
[3] See *ibid.*, p. 99. [4] See *ibid.*, pp. 99-100.

Salt Society. Our reason is that, on a very careful consideration of all the papers connected with the question of participation by the Company's servants in the inland trade of Bengal, Bihar and Orissa—and in particular with the question of the Salt Society instituted in 1765—we feel that the attitude taken by the Court towards it was, on the whole, throughout marked by a sense of justice, humanity and statesmanship, befitting a virtually ruling authority. Besides, it was quite in consonance with a fundamental principle of public administration, namely, that public servants should not be permitted to carry on, in their own interest, any business, especially of a more or less monopolistic character, for this would inevitably lead to corruption and, ultimately, to oppression, against which there would be no remedy. The great mistake of the Court was that it did not consider it necessary to increase the salaries of the Company's servants with the accession of its territorial revenues. That it was prepared to, and actually did, sacrifice its revenues to some extent[1], for the sake of what it thought to be just, is an additional proof of its sincerity of purpose. The action of Clive and his colleagues on the Select Committee at Fort William, may have been expedient in the circumstances of their times, but that of the Court of Directors was certainly inspired by a sense of fairplay and equity.

Clive said[2] in the House of Commons: 'The servants received the two and a half per cent. on the revenues; they traded in salt as much as before—but without paying the duty'. If it had been so, it had been very unfortunate. It had only betrayed their cupidity, indiscipline, and unscrupulousness. That to prevent this one wrong the Court should have permitted the continuance of another wrong, would not have been fair. As a matter of fact, Clive himself admitted[3] in the course of the speech from which we have given the above extracts: 'Upon the inland trade

[1] See Clive's speech quoted on page 436 *ante*.
[2] See page 436 *ante*.
[3] See Clive's speech in the House of Commons on 30th March, 1772, already referred to (see page 435).

depends in some degree the receipt of the revenues. Upon the inland trade depend almost totally the happiness and prosperity of the people. Indeed the true cause of the distress in Bengal, as far as it relates to the inland trade, is this. The Company's servants and their agents have taken into their own hands the whole of that trade, which they have carried on in a capacity before unknown; for they have traded not only as merchants, but as sovereigns, and by grasping at the whole of the inland trade, *have taken the bread out of the mouths of thousands and thousands of merchants, who used formerly* to carry on that trade, and who are now reduced to beggary '.[1]

In view of this, the action of the Court of Directors was amply justified.

Company's Servants and their Banyans.

We have said above many things regarding the conduct of the Company's servants in Bengal, Bihar and Orissa. There is no doubt about the fact that they often abused their privileged position and oppressed the people of these provinces. But we consider it fair to add that they were also often tempted by their Indian agents, or Banyans as they were often called, to do things which they should not have done. This certainly does not justify their various acts of oppression or their direct, or indirect, misuse of their power or of their political influence, but it does, to some extent, explain or even, perhaps, palliate them. Clive made this clear in the course of his speech in the House of Commons on 30th March, 1772, from which we have already quoted several extracts. There might be an element of exaggeration in what he stated in this connexion; but there is no reason to believe that what he said was not substantially true. He gave an interesting analogy. 'The passion for gain', he said,[2] 'is as strong as the passion of love. I will suppose, that two intimate friends have lived long together; that one of them has married a beautiful woman; that the friend still continues to live in the house, and that this beautiful woman, forgetting her duty to her husband, attempts to seduce the friend; who, though in

[1] The italics are ours.
[2] See his speech in the House of Commons on 30th March, 1772.

the vigour of his youth, may, from a high principle of honour, at first, resist the temptation, and even rebuke the lady. But if he still continues to live under the same roof, and she still continues to throw out her allurements, he must be seduced at last or fly'. 'Now the banyan', Clive continued, 'is the fair lady to the Company's servant. He lays his bags of silver before him today; gold tomorrow; jewels the next day; and if these fail, he then tempts him in the way of his profession, which is trade. He assures him that goods may be had cheap, and sold to great advantage up the country. In this manner is the attack carried on; and the Company's servant has no resource, for he cannot fly. In short, flesh and blood cannot bear it'.

He then referred to the type of men who would come out to India in those days as writers. 'Let us for a moment', he said,[1] 'consider the nature of the education of a young man who goes to India. The advantages arising from the Company's service are now very generally known; and the great object of every man is to get his son appointed a writer to Bengal; which is usually at the age of 16. His parents and relations represent to him how certain he is of making a fortune; that my lord such a one, and my lord such a one, acquired so much money in such a time; and Mr Such a one, and Mr Such a one, so much in such a time. Thus are their principles corrupted at their very setting out, and as they generally go a good many together, they inflame one another's expectations to such a degree, in the course of the voyage, that they fix upon a period for their return before their arrival'.

He next described the Indian career of an average writer after his arrival in Bengal. 'Let us now', continued Clive,[2] 'take a view of one of these writers arrived in Bengal, and not worth a groat. As soon as he lands, a banyan, worth perhaps £100,000 desires he may have the honour of serving this young gentleman, at 4*s*. 6*d*. per month. The Company has provided chambers for him, but they are not good

[1] See his speech in the House of Commons on 30th March, 1772.
[2] See *ibid*.

enough;—the banyan finds better. The young man takes a walk about the town, he observes that other writers, arrived only a year before him, live in splendid apartments or have houses of their own, ride upon fine prancing Arabian horses, and in palanqueens and chaises; that they keep seraglios, make entertainments, and treat with champaigne and claret. When he returns, he tells the banyan what he has observed. The banyan assure(s) him he may soon arrive at the same good fortune; he furnishes him with money; he (i.e., the writer) is then at his mercy. The advantages of the banyan advance with the rank of his master, who in acquiring one fortune generally spends three. But this is not the worst of it: he is in a state of dependence under the banyan, who commits such acts of violence and oppression, as his interest prompts him to, under the pretended sanction and authority of the Company's servant. Hence, Sir, arises the clamour against the English gentlemen in India'.

This is how, according to Clive, the inherent passion for acquisition in man, was often inflamed, in the case of writers, by temptations placed in their way by their Indian agents or Banyans, and they fell easy victims to those temptations. The result was that the people of this country did, as we have seen, terribly suffer.

CHAPTER VII

THE JUDICIARY

We propose to give in this and the succeeding Chapter a brief account of 'the state of judicature' in Bengal during the years 1765-74. In this connexion we shall first notice 'the state of the country judicatures, throughout the province of Bengal, as they subsisted under the ancient constitution of the country' (i.e., under Muslim rule). This we may call the indigenous system. We shall next consider how this indigenous judicial system was 'affected or altered . . . . by the influence or authority of the Company, or its servants.' Thirdly, we shall deal with 'the state of judicature existing in the settlement of Calcutta, and in the factories and districts depending upon it, partly derived from the constitution[1] of the country, and partly established by his (Britannic) Majesty's charters of justice'. And, lastly, we shall also refer to the 'provisions . . . . made by law, for the trial and punishment, in England, of offences committed by the Company's servants in Bengal'.

The Indigenous System

According to a Report[2] of a Parliamentary Committee, the 'administration of justice, both in the capital (i.e., Moorshedabad) and in the several districts, was', under the indigenous judicial system as found by the Company in

[1] I.e., as under Muslim rule.

[2] See the *Sixth Report* (1773) from the Committee of Secrecy appointed by the House of Commons in 1772, to enquire into the State of the East India Company. (For the Committee of Secrecy itself, see Appendix 1.)

With a view to reporting to the House 'an account of the state of judicature' in Bengal 'as the necessary ground work for establishing proper regulations, for the administration of justice', the Committee had endeavoured to collect 'the best information on that subject' after a very careful inquiry about it. 'In this enquiry', wrote the Committee to the House, 'your Committee have not only perused all the papers in the books and correspondence of the Company, which, as the servants

Bengal before its accession to power, 'distributed into different branches of judicature, for the exercise of criminal, civil, religious, and revenue, jurisdiction'.

Criminal Court. The criminal court in every district 'was generally known by the name of the Phousdary'. The Zemindar or Raja of the district was the judge in this court, and his jurisdiction extended to all criminal cases.[1] But in a case 'of a capital nature', the sentence given by him could not be executed until a report of the case had been sent to the Government at Moorshedabad and its orders received thereon.[2] The procedure in the criminal court was summary[3]. The 'most frequent mode of punishment', particularly in a case in which the accused was a man of wealth, 'was by fine'. And every fine 'imposed by authority of the court, was a perquisite of the Zemindar himself, by virtue of his tenure of the lands'.[4] The natural effect of this circumstance upon the fair administration of criminal justice appeared to the Parliamentary Committee referred to above, 'to have been severely felt, under the ancient constitution[5] of Bengal'.[6]

Civil Court. The court of civil jurisdiction in every district was 'generally known by the name of the Adawlat'. The Zemindar or Raja of the district was the judge also in this court. Its jurisdiction extended 'to all causes[7] between party and party'.[8] The judge was entitled, as a perquisite of his

of the Company informed them, contain anything material on this subject but have also called before them and examined several gentlemen, in whose knowledge and experience they thought they might best confide in respect of the time of their residence and their situations in Bengal'. See the *Sixth Report* of the Committee, 1773.

Having regard to the nature of the other Reports of the Committee of Secrecy, we are prepared to accept its Sixth Report as a reliable document.

[1] According to Mahomed Reza Cawn, 'throughout all Hindostan, in case of theft, robbery, or murder, the Zemindar of the province (i.e., the district), or the Zemindar and Aumil together', where they had a joint authority, were 'bound to produce the murderer or thief, and the effects'; and were 'liable to be called themselves to account' if they failed in this duty. *Vide* the *Sixth Report of the Committee of Secrecy*, 1773.

[2] See *ibid.* [3] See *ibid.* [4] See *ibid.*

[5] I. e., under Muslim rule. [6] See *ibid.*

[7] Obviously of a civil nature, [8] See *ibid.*

office, 'to a chout, or share, of whatever was recovered in his court, which . . . . amounted to a fourth or fifth of the whole value'.[1] It appeared to the Parliamentary Committee that this 'extraordinary circumstance in the constitution of that judicature' had greatly affected the confidence of the people in its justice; that parties were very reluctant to resort to this tribunal; and that it had long, therefore, been a prevailing practice in Bengal to refer matters of controversy to arbitrators chosen by the parties concerned.

It also appeared to the Committee that these civil and criminal courts 'were not guided by any regular system of law; that the Khoran (*sic*) was the only code, and its commentators the only authorities allowed' in this country; that 'where these afforded no rule of decision, the customs and usage of the country, if applicable to the case, were the proper guide; but that the rules derived from these sources were in general very loose and uncertain; and that the necessary consequence of so imperfect a system of law, rendered the exercise of criminal and civil judicature, in Bengal, in a great measure discretionary'.[2]

One material circumstance that must have greatly tended to the maladministration of justice in these courts appears to 'have been the want of any judicial register of their proceedings; so that there could not exist any authentic documents of their proceedings, to be the subject of review by any superior authority'.[3]

Right of appeal.

There was a difference of opinion among the witnesses who gave evidence before the Parliamentary Committee, on the question of 'the right of appeal from the provincial courts of Phousdary and Adawlat to the respective courts of

[1] Obviously, of the suit adjudged.

[2] *Vide* the *Sixth Report* of the Committee of Secrecy, 1773.
The Committee has also observed :—
The 'Committee found it the general sense of all the accounts they have received respecting these courts, That the administration of justice, during the vigour of the ancient constitution, was liable to great abuse and oppression; that the judges generally lay under the influence of interest, and often under that of corruption; and that the interposition of government, from motives of favour or displeasure, was another frequent cause of the perversion of justice'.—See *ibid.*

[3] See *ibid.*

the same nature at the capital' (i.e., Moorshedabad). Most of them informed the Committee, however, that there was such a right of appeal; but all of them concurred in the view 'that the power of the government (at Moorshedabad) often interfered in the proceedings of the courts of justice; that the general course of application for redress, against any proceedings of the courts of justice, was to the power of the government, especially where the party found himself in a situation to expect its favour and protection; and that the government, upon such occasions, not only exercised a discretionary power over the proceedings of the courts, but frequently gave such remedy, or inflicted such punishment, as they thought proper, without the interposition of any judicature'.[1]

Absence of subordinate judiciary

It also appears from the Report[2] of the Committee that the absence of subordinate courts in different parts of the Zemindary districts away from their headquarters, caused 'much hardship to the lower class of the people; that such of them only as lived in the neighbourhood of the seat of judicature could have access to these tribunals'; that 'even to these, the expences attending suits in the courts were almost an entire exclusion of the possibility of obtaining justice by law (*sic*)'; that, on the other hand, 'the principal persons in the several districts could seldom be brought under the authority of the courts'; and that when they submitted to them, they were able to defeat the ends of justice 'by means of their influence with Government'.

Causes respecting religion.

We have shown above how justice was administered in what were generally regarded as cases of a civil or of a criminal nature. Causes respecting religion, however, were dealt with in a different manner. Questions of this nature 'were not trusted to the judgment or discretion of the temporal judges'. In a case involving the Islamic religion, the 'judge before whom the question depended', was required 'to call in the assistance of the Cazee of the district (concerned), and even to submit to his authority in the decision of the

[1] See the *Sixth Report*, Committee of Secrecy, 1773. [2] See *ibid*.

cause'. The Hindus also enjoyed a similar privilege with respect to all cases of a religious nature. For, the Committee writes, 'in every such case, it was necessary that the temporal judge should be assisted by a Bramin of the Cast, particularly where the cause was of such a nature as might be attended with the consequence of forfeiture of cast (*sic*)'.[1]

Causes respecting revenue.

All causes respecting revenue, or the rents of lands, were 'under the cognizance of a peculiar court in every district'. Previously, the Zemindar or Raja of the district had 'held the authority of this judicature also'. But for some years before the acquisition of the Diwani by the Company, 'this jurisdiction of the Zemindar had gone into disuse, and had since been exercised by the Naib Duan (Diwan), appointed in every district by the principal Duan (Diwan) at Moorshedabad'. This officer 'decided in all causes of revenue' in his district; but appeals from his decisions would lie to the 'principal Duan'.[2]

Courts at Moorshedabad.

The arrangements for the administration of justice at Moorshedabad were as stated below[3]. The Nazim, as the supreme Magistrate, presided 'personally in the trials of capital offenders', and held a court every Sunday, called 'the Roy[4] (Rôz ?) Adawlat'. Crimes not capital were 'tried before the Phousdar[5], but reported to the Nazim for his judgment and sentence' upon them[6]. The Diwan was 'the proper Judge of all causes relating to real estates or property in lands', but would seldom exercise this authority in

[1] The *Sixth Report*, Committee of Secrecy, 1773. [2] See *ibid.*

[3] See *ibid.*; also the letter from the Committee of Circuit to the Council at Fort William, dated at Cossimbazar 15th August, 1772; also the Consultation, Secret Department, Fort William, of 21st August, 1772.

[4] In the relevant Proceedings of the Committee of Circuit this word is 'Rôz'.—*Vide* the Proceedings, Committee of Circuit, Cossimbazar, of 15th August, 1772. The expression 'Roz-Adalat' means a 'Court formerly held by the Nazim of Bengal every Sunday, for the administration of criminal justice'.

[5] He was the 'Officer of the Police' and the 'Judge of all crimes not capital'.

[6] What used to happen is as follows. The proofs of all crimes not capital were taken before the 'Phousdar', and 'reported' (by him) 'to the Nazim for his judgment & sentence upon them'. See **Appendix** 16.

person. The Daroga[1] Adawlat Diwani, or the Deputy of the Diwan, used to exercise this authority. The Daroga Adawlat al Aalea[2] was 'the Judge of all cases of property, except those' which respected land and inheritance: and also took 'cognizance of quarrels, frays, and abusive names'. The Cazee was 'the Judge of all Claims of Inheritance or Succession[3]'. He was assisted by the Muftee who was 'the Expounder of the Law'; and also by the Mohtesib, a Magistrate whose immediate duty was 'to superintend the weights and measures, and other matters[4] of police'. The procedure in the Cazee's Court was as follows: After 'hearing the Parties and Evidences', the Muftee would write 'the Fettwa, or the Law applicable to the Case in Question', and the Cazee would pronounce judgment accordingly. If either the Cazee or the Mohtesib disapproved of the Fettwa, the case would be referred to the Nazim, who would then summon 'the Ijlass or general Assembly, consisting of the Cazee, Muftee, Mohtesib, the Darogas[5] of the Adawlat, the Moulavies, and all the learned in the law, to meet and decide upon it'. Their decision would be final.

Such was, says[6] the Parliamentary Committee, 'the system of judicature, established by the ancient constitution of Bengal'. The Committee has also observed that, so far as it was able to judge from all the information placed before it, the people of Bengal had 'derived little protection or security from any of these courts'; and that, in general, though forms of judicature had been established and preserved, 'the despotic principles of the government' had 'rendered them the instruments of power rather than of justice, not only unavailing to protect the people, but often the means of the most

[1] In one document, this word is *Darogo*.

[2] (In one copy of the relevant record, *The Daroga Adawlat al Aalea*.) He was properly the Deputy of the Nazim.

[3] He also performed 'the Ceremonies of Weddings, Circumcision, and Funerals'.

[4] Such as taking 'cognizance of Drunkenness' and 'of the vending of Spirituous Liquors and intoxicating Drugs'.

[5] This word has also been spelt as *Darogos* in one document.

[6] Also see the Proceedings, Committee of Circuit, Cossimbazar, of 15th August, 1772.

grievous oppressions, under the cloak of the judicial character[1]'.

Mode of realization of debts by the Company or its servants.

It may be interesting to note here how the 'Company or its servants used', 'during the ancient government[2], to compel' the payment of debts due to them by 'any of the natives not residing under the British flag'[3]. If the debtor happened to be a person 'dependent on or connected with the Company in the course of commerce', and resided—as these persons usually did—in 'the neighbourhood of any of the Company's settlements, the general practice was to lay hold of his person by their own authority, without applying to any court or officer of the Government'. Sometimes they 'ventured to exercise the same right, even where (when?) the debtor did not fall under that description'; and the Government 'generally overlooked' such conduct on the part of the Company or its servants. In the former case, the Government, says the Parliamentary Committee, 'tacitly allowed and countenanced the practice of seizing and detaining the debtor, it being much the disposition of the government to give all possible encouragement to the Europeans, from whose commerce their country then derived such considerable advantages'. But in cases where it might not be thought prudent to proceed in this manner for the recovery of a loan, the only remedy was an application to the Government for necessary action. The Committee was informed, however, by witnesses who gave evidence before it, that there would seldom be an 'occasion to make use of either of these ways to compel payment of any debt to the Company or its servants; for that the persons dealing with them reaped so much benefit from that' connexion that there would hardly arise any dispute between them[4].

The French and the Dutch also 'exercised the same privilege of seizing their debtors', and continued this practice even after the acquisition of the Diwani by the Company. And when the President and Council at Fort William ordered this practice to be stopped, the French, 'in very

[1] See the *Sixth Report of the Committee of Secrecy*, 1773.
[2] I. e., the Muslim regime. [3] See *ibid*. [4] See *ibid*.

strong terms, remonstrated against this order, as a violation of a *right*[1] which they had always held and exercised under the country government'. The President and Council, however, 'denied this pretension, and insisted that the French should have recourse to the courts of justice' for compelling the 'payment of their debts'. This dispute between the French and the English Company does not appear to have 'been brought to a conclusion', even at the time when the Parliamentary Committee submitted its Report to the House of Commons.[2]

We shall now consider the alterations which the indigenous system of judicature underwent as a result of 'the decline of the Mogul Government, and the introduction of the Company's influence in Bengal'. At the same time, we must observe here that, although the Company became Diwan in 1765, and although the office of Diwan involved the administration of justice in civil cases, yet the Company allowed[3] 'the Administration of Justice' 'to remain in the Hands of the Nabob or his Ministers' till 1772, when it actually stood forth as Diwan[4] and, as we shall shortly see, introduced, among other things, many material changes into the judicial system of Bengal. Some minor

[1] The italics are ours.

[2] *Vide* the *Sixth Report of the Committee of Secrecy*, 1773.

[3] As the *Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 1812*, has said: 'But though the civil and military power of the country, and the resources for maintaining it, were assumed on the part of the East India Company, it was not thought prudent, either by the local government, or the directors, to vest the immediate management of the revenue, or *the administration of justice*, in the European servants. It may indeed appear doubtful whether the European servants at this time, generally possessed sufficient knowledge of the civil institutions and the interior state of the country, to qualify them for the trust'. (The italics are ours).

As we have seen before (pp. 83–86), Clive was also against any change in the 'Form of Government' although the Company had been appointed to be the Diwan of Bengal, Bihar and Orrisa.—See Clive's letter to the Select Committee in the Proceedings of the meeting of the Committee, held at Fort William on 16th January, 1767. Also see pages 74–75 *ante*.

[4] See the author's '*Early Land Revenue System in Bengal and Bihar*', Vol. I, Chapters I & V.

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changes, however, had meanwhile been made in that system in certain parts of the province.

Influence of the Company on the indigenous system.

According to Mr Francis Sykes[1], who had held many responsible offices[2] in Bengal and who gave evidence before the Parliamentary Committee, although Meer Jaffier (Meer Jafar) had been raised to the Nawabship by the power and influence of the English, yet, during the first period of his government, the administration of justice had 'continued in its former course, without any interruption or alteration from that power, which had made the revolution'. During the government of Cossim Ally Cawn,[3] however, 'the English influence began to operate, not only in consequence of the revolution itself, accomplished by their (*sic*) power, but because from that time many English(men), with or without the consent of the Presidency[4], dispersed themselves over the country, and engaged in its interior commerce which often led them to interfere with the judicature and government of the country'. Moreover, 'Cossim's attention was so much turned to the increase of his revenue, that he gave very little regard to the administration of justice, or to the maintenance of that part of his authority against the encroachments of the English subjects residing in his territories, further than was necessary for securing the collection of his revenues'.[5] 'The third revolution made by the English, in restoring Meer Jaffier, necessarily added', Mr Sykes[6] also told the Committee, 'to their power and influence in the whole administration of government in Bengal, and of course rendered the administration of justice in the judicatures of the country very liable to be swayed or influenced by any servant of the Company, whose situation gave him an opportunity, and whose interest afforded him incitement, to interfere in any of their judicial proceedings'.[7]

[1] See the *Sixth Report of the Committee of Secrecy*, 1773.

[2] Such as the membership of the Council and of the Select Committee at Fort William, the office of Resident at the Durbar, etc.

[3] Meer Cossim (or Meer Kasim).

[4] I.e., the authorities at Calcutta: the President and Council or the President and Select Committee at Fort William.

[5] See *ibid*. [6] See *ibid*.

[7] See the *Sixth Report from the Committee of Secrecy*, 1773.

And according to one Mr Keir, another witness before the Parliamentary Committee, since the establishment of the English power in Bengal, even the banyans[1] of English gentlemen, wherever they resided, had entirely governed the local courts of judicature and frequently sat as judges in these courts.[2]

But although these successive revolutions, entirely effected by the English power in Bengal, necessarily rendered the influence of the English 'very operative in the affairs of the Government', and although the Gomastahs of the servants of the Company 'frequently assumed to themselves the exercise of judicature', yet it does not appear that 'any alteration in the legal constitution of the judicatures of the country' had been made by the Company before its acquisition of the Diwani[3]. But after its acquisition of the Diwani things gradually took a different shape so far as the administration of justice in Bengal was concerned. We shall notice that now.

It appears from the evidence[4], given before the Parliamentary Committee, of Mr Francis Sykes, who had once been appointed to the office of Resident at the Durbar, that, 'immediately upon entering[5] into that office[6], he applied to the government[7] for the establishment of some new courts of judicature, but without proposing any alterations in those already established'; that 'having observed that the poor inhabitants were, in general, unable to obtain justice in the ancient courts, he recommended to the ministers at Moorshedabad to establish there, and in each of the provinces,[8] a court for the decision of all causes, not exceeding the value of 500 rupees'; and 'that this was accordingly carried into execution'. The court at Moorshedabad was constituted of 'twelve persons of the best character, appointed by the

[1] See Glossary; also pages 439-41 *ante*. [2] See *ibid*.
[3] See *ibid*. [4] See *ibid*.
[5] Mr Sykes had been appointed Resident at the Durbar in October 1765.—*Vide* the Proceedings, Select Committee, Fort William, of 5th October, 1765.
[6] I.e., the office of Resident.
[7] I.e., the Nawab's Government.
[8] Obviously districts here.

administration[1], with adequate salaries'; and the provincial courts, consisting of only six judges each, were constituted in the same manner. All these judges 'were bound by the most solemn oath to administer justice uprightly, and not to receive directly or indirectly any emolument whatsoever, beside(s?) their salary, in the exercise of their judicial function.' They 'sat by rotation, three at a time'; and appeals lay from the 'courts in the provinces to that at Moorshedabad[2]'.

Mr Sykes added[3] that, during the time he had continued as Resident at the Durbar, no other alteration had been 'made, respecting the courts of judicature; for that it had been determined and directed by the Company, that *whilst they made necessary reformation, they should adhere as much as possible to the forms of the established government*[4]'.

When in January[5], 1769, Mr Richard Becher succeeded Mr Sykes as Resident at the Durbar, he found such a court as referred to above, existing at Moorshedabad. And he informed the Parliamentary Committee that he had 'allotted one day in every week to inspect the proceedings of the supreme courts (*sic*) at Moorshedabad'; and that, although he had possessed, as Resident at the Durbar, a very extensive authority, he 'had always used it to promote justice, and protect the natives from injury'[6].

It also appears from the evidence[7] which Mr Harry Verelst[8] placed before the Parliamentary Committee that, before the acquisition of the Diwani by the Company, it had been found by experience that 'it was very possible to maintain the forms of the ancient country judicatures, and at the same time correct many abuses, which had crept into the

[1] I.e., the Government at Moorshedabad.
[2] *Vide* the *Sixth Report of the Committee of Secrecy*, 1773.
[3] See *ibid*. [4] The italics are ours.
[5] See the Proceedings, Select Committee, Fort William, of 4th January, 1769.
[6] See *the Sixth Report of the Committee of Secrecy, 1773*.
[7] See *ibid*.
[8] He had 'resided, for some years, as the principal servant of the Company, in the provinces (i.e., districts) of Chittagong and Burdwan (ceded by Cossim Ally Cawn) before he became President of Bengal'.—See *ibid*.

administration of justice; . . . . that the Company had followed this plan, and seen its efficacy in those provinces[1] which had been ceded to them in the year 1760, by Cossim Ally Cawn; and that therefore the Select Committee at Calcutta had resolved to pursue the same course, with respect to all the other provinces[2], upon the acquisition of the Dewannee'.

Moreover, we find that the Court of Directors at home and the authorities at Fort William took steps to reform the system of administration of justice in Bengal, without introducing, however, any important, *formal* changes into it at this stage. In a general letter to the Select Committee at Fort William, dated 16th March, 1768, the Court of Directors, recommended[3] to it 'to endeavour to abolish the power of seizing the effects' of those who died without children, and 'to introduce the right of bequeathing by will', consistently 'with the claims of the Rajahs and Landholders, and the established customs of the country'. And in its Instructions relating to the Presidency of Fort William, dated 15th September, 1769, issued to the three special Commissioners[4] whom it had appointed in 1769 with 'a superintending and controuling Power' over all the settlements of the Company in India, the Court of Directors stated:—

'We desire and enjoin you, to make strict and speedy enquiry into the Proceedings of the Courts of Justice throughout our Settlements; and if any extraordinary Powers have interfered, to interrupt the course and Administration of Justice, it will be your duty to correct without delay, all such

[1] I.e., the districts of Burdwan, Midnapore and Chittagong.
[2] I.e., the Diwani districts of Bengal.
[3] See the *Sixth Report of the Committee of Secrecy*, 1773.
[4] Messrs Henry Vensittart, Luke Scrafton, and Francis Forde.
It may be noted here that these three Commissioners had embarked from Spithead on 30th September, 1769, on board 'His Majesty's Frigate *Aurora*'. They never reached India: they must have met with some 'fatal accident' on their way. The Court's Instructions, however, to the Commissioners duly reached Calcutta through Madras and the task of giving effect to them was undertaken by the authorities at Fort William (i.e., the President and Council there). See in this connexion pages 293–95 *ante*; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Chapter IV.

abuses; that every question of property may be fairly and honestly decided, according to the Rules of Law and Justice.

'In particular we direct, that the practice of withholding, or taking Five p Cent upon the recovery of Debts in any Court of Justice whatsoever, for the use of the Company, or on any other pretence, be totally abolished'.

Further—

'We much wish to obtain security for the Properties and Persons of the Natives; and to that end we desire you will make full enquiry into the Nature and Constitution of the Courts of Zemindary and Cutchary, or other Courts, wherever our Possessions or Revenues extend; and that you will endeavour to reform all such abuses as shall have found their way into them, to the oppression of the Natives; and we desire you will use the most effectual means for rendering their Properties less precarious, and their Possessions more permanent'.

Lastly—

'In case the Constitutions of the above mentioned Courts shall be found defective, we desire you will use your best endeavours to obtain all proper and necessary Reformations and Alterations therein; or if you shall judge it expedient, you are to procure Phirmaunds from the King, or the Country Powers, for Erecting and Establishing new Courts of Judicature, respecting both Civil and Criminal Jurisdiction.'

Meanwhile, the Select Committee at Fort William also had taken some steps to reform the administration of justice in Bengal. At its meeting, held at Fort William on 16th August, 1769, it (i) decided to appoint a Supravisor in each district 'with a view to investigate and ascertain in a minute clear and comprehensive manner a variety of circumstances which intimately concern the welfare of the Country'; and also (ii) agreed upon a 'Form of Instructions to be issued by the Resident at the Durbar to the several Supravisors'.[1]

[1] The Select Committee unanimously agreed upon laying its decisions before the President and Council at Fort William 'for their being

Instructions[1] to be issued by the Resident under the heading of 'The Administration of Justice' first referred to the degree of corruption to which the courts of justice had degenerated, and particularly to the fact that 'almost every decision of theirs' was 'a corrupt burgair (*sic*) with the Highest bidder',[2] and then ran as follows:—

'The numerous offences which are compromised by fines have left a great latitude for unjust determinations; trifling offenders and even many condemned on fictitious accusations are frequently loaded with heavy demands, and capital criminals are as often absolved by the Venal Judge. Your[3] conduct in all Capital Offences should be to inforce Justice where the Law demands it, checking every composition by fine or mulct, and where any disputes arise in matters of property, you should recommend the method of Arbitration to any other and inculcate strongly in the minds of the people that we are not desirous to augment our Revenues by such impositions But to acquire their confidence by the Equity and impartiality of our proceedings and by our tenderness for their happiness. The Arbitrators should be men chosen by themselves and of known integrity and whose

carried into execution with all convenient expedition'. And at a Secret Consultation, held at Fort William on 4th September, 1769, the President and Council, after a careful consideration of the Proceedings of the meeting of the Select Committee, held on the 16th of August, 1769, together with the plan (recommended therein) in regard to the appointment of the servants of the Company as Supravisors for the inspection 'of the state of the different districts of Bengal', agreed 'in opinion with the Committee', and decided that the plan should be immediately adopted.

See the Proceedings, Select Committee, Fort William, of 16th August, 1769; also the Secret Consultation, Fort William, of 4th September, 1769; also the author's *Early Land Revenue System, etc.*, Vol. 1, Chs. II and III.

[1] See *ibid.*; also Verelst, *A View of the English Government in Bengal*, Appendix No. 134; also the *Sixth Report of the Committee of Secrecy*, 1773.

[2] The exact language of the Instructions was:

'It is difficult to determine whether the original customs or the degenerate manners of the Mussalmen (*sic*) have most contributed to confound the principles of Right & Wrong in these provinces Certain it is that almost every decision of theirs is a corrupt burgain (*sic*) with the Highest bidder.'—*Vide* the Proceedings of the Select Committee at Fort William, dated 16th August, 1769.

[3] I.e., the Supravisors'.

circumstances may suppose them exempt from venality, and promise best to insure their rectitude.

'In Capital Crimes the sentence should before execution be referred to me[1], and by me to the ministers, that they may ultimately approve or mitigate it according to the peculiarity of the case. You are farther to observe, that the want of regular registers of all causes and determinations has encouraged the natural propensity of the judge to bribery and fraud, by making him easy with respect to any future prosecution on a rehearing of the cases which have been thus partially determined. Whereas, whilst a reference to records is always open, he must live in perpetual fear of detection. One of these registers should be lodged in the principal Cutcherry of the province, and an authenticated copy transmitted to Murshed-abad.[2]. . . . . .

'For the Ryott being eased and secured from all Burthens & demands but what are imposed by the Legal authority of Government itself, and future Pattahs being granted him specifying that demand He should be taught that he is to regard the same as a sacred and inviolable pledge to him that he is liable to no demands beyond their amount (*sic*). There can therefore be no pretence for suits on that account; no room for inventive rapacity to practise its usual arts: all will be fair, open, regular. Every man will know what he can call and defend as his own; and the spirit of lawless encroachment subsiding, for want of a field for exercise, will be changed into a spirit of industry; and content and security will take place of continual alarms and vexations.'

We further find in the Instructions to be issued by the Resident at the Durbar to the Supravisors[3]:—

'The instances wherein venal, ignorant, and rapacious Judges avail themselves of a crude and mercenary System of Laws: of the prevalence of licentiousness, and the force of reigning habits, and customs have been already mentioned.

[1] I.e., the Resident at the Durbar.
[2] In one document this expression is: *an Authentic copy transmitted to Muxadabad.*
[3] See the references mentioned in foot-note 1 on page 455.

I can only repeat that it is your part to endeavour to reform all these corruptions, which have encroached on the primitive rights of both, the Mahomedans and Hindoos, particularly by abolishing the arbitrary imposition of Fines, and recommending all in your power the more equitable Method of Arbitration. The officers of Justice and Cazies who are established by the Mahomedan Law: as also the Bramins who administer Justice among the Hindoos, in every village, town, and Quarter, should all be summoned to appear, produce their Sunnuds or authority for acting, and register them. Records of whatever cases are heard and determined are to be sent to and deposited in the Sedder Cutcherry of the province, and a monthly return thereof forwarded to Moorshedabad.

'The register of Sunnuds is intended to deter any from exercising a judicial, because lucrative function, who may not be legally appointed by government, if a Mahomedan, or fairly elected by his cast(e), if a Hindoo. And the depositing of all cases and determinations, added to the other regulation, will figure (?) to the several officers a vigorous and observant power, watching all their actions, and, in case of abuses, direct you at once to the culpable'.

Lastly[1]—

'The peculiar punishment of forfeiting Castes, to which the Hindoos are liable is often inflicted for private pique and personal Resentment amongst themselves, and requires to be restrained to those occasions only where there may (be) a regular process, and clear proofs of the offence before the Bramins who are their natural Judges. But when any man has legally forfeited his caste, you are to observe that he cannot be restored to it without the sanction of Government, which was a political supremacy reserved to themselves by the Mahomedans, and which, as it publicly asserts the subordination of Hindoos, who are so considerable a majority of subjects, ought not to be laid down[2] (*sic*); though every

[1] See the references mentioned in foot-note 1 on page 455.

[2] Presumably this means that the principle that the Hindu who once forfeited his caste should not be restored to it without the sanction of the Government, should be kept up.

indulgence and privilege of Cast(e) should be otherwise allowed the Hindoos '.

As we have shown in detail elsewhere[1], the Supravisors were appointed in due course. And they 'assumed and exercised ', says[2] the Parliamentary Committee to which we have referred before, 'the right of superintending and reviewing the proceedings of the courts of justice, in their several districts '. 'Where any case of difficulty or peculiar importance occurred', the Committee continues, 'they reported a state of the proceedings to the Resident at Moorshedabad, in order that he might lay it before the Government, and return such orders as the Nabob, or his Ministers *with his approbation*[3], should direct.' This practice which prevailed throughout Bengal, rightly appeared to the Committee 'to be the strongest evidence of the absolute sway and controul to which the whole administration of Government, and particularly the courts of justice, have submitted, since the Company's accession to the Dewanee '.

On 1st October, 1770, the Controlling Council of Revenue at Moorshedabad wrote[4] to the President and Council at Fort William that, Nawab Mahomed Reza Cawn having desired to be informed how 'he was to conduct himself in future in the Administration of Justice in general & relative to criminal Cases in Particular ', it had deferred giving him 'any definitive Answer' till it received instructions on this point from them. It, therefore, requested[5] them to let it know how far it was to interfere and what was to be left to 'the Country Government in such Cases as well as in Suits for Debt & other matters of Property '.

[1] See the author's *Early Land Revenue System, etc.*, Vol. I, Chs. II & III.

[2] See the *Sixth Report of the Committee of Secrecy*, 1773.
It may be noted here that this Report has made a slight confusion. It has used the term "Commissioners" where it should have used the term Supervisors (or Supravisors).

[3] The italics are ours.

[4] See the Proceedings of the Controlling Council of Revenue at Moorshedabad, dated 1st October, 1770; also the Consultation, Secret Department, Fort William, of 11th October, 1770.

[5] See *ibid*.

Thereupon the President and Council, in a Secret Department letter, dated at Fort William, 11th October, 1770, wrote to the Controlling Council in reply, among other things, as follows[1] :—

'We give it as our Opinion in Reply to the Nabobs Application that the Administration of Justice should remain as usual but that your Interposition is to be regarded (*sic*) in any case where you may deem it necessary.

'Indeed we have already expressed in our Instructions to you that every Transaction relative to the Government is ultimately to come before you and this we apprehend is fully sufficient for your guidance'.

These instructions do not appear, however, to have been very clear[2] to the Controlling Council. It resolved, nevertheless, at its Consultation, held at Moorshedabad on October 22nd, 1770, that the following Regulations should be adopted in regard to the administration of justice[3] :—

'That, all criminal Cases[4] be tried in the Adaulut established for that Purpose, but that the Proceedings of that Court be always Prior to the Sentences being put in Execution submitted to the Approbation of the Board (i.e., the Council of Revenue).

'That, Causes relative to Property in Land and to the Revenue be referr'd to the Khalsah Cutcherry, and Causes for Debt to the judicial Adaulut; and that two Courts in Conformity thereto be established by Us to revise the Proceedings of the Country Courts & finally determine thereon. In these Courts all the Members of the Board agree to sit for the present.

'Resolved further that the Nabob be informed of these Regulations, and that he be requested to acquaint Us

[1] See the Secret Consultation, Fort William, of Thursday, 11th October, 1770 ; also the Proceedings, Controlling Council of Revenue, Moorshedabad, of Monday, 22nd October, 1770 ; also the author's *Early Land Revenue System, etc.*, Vol. I, Ch. IV.

[2] See the Secret Consultation, Fort William, of 17th January, 1771.

[3] See *ibid*; also the Proceedings of the Controlling Council of Revenue at Moorshedabad, dated 22nd October, 1770.

[4] In one document, this word is: *Causes.*

whenever there is a Necessity for the issuing[1] Perwannahs for the Apprehension of Dekoits or Persons accused of Murder, to deliver Us Copies of all Perwannahs issued in future and to furnish Us with an Account of such as are now in force'.

We find, however, in a subsequent letter[2] of the President and Council at Fort William, addressed to the Controlling Council of Revenue at Patna, that they declared that any action on the part of the latter, such as nominating one of its members to preside over judicial trials and confirm all sentences[3], which would make it 'appear too much as Principals in the Government of the Bahar Province and particularly in the administration of Justice', was 'entirely repugnant to' their 'Intentions'. *Mutatis mutandis*, the underlying principle of this declaration was, we presume, also to govern the conduct of the Controlling Council at Moorshedabad[4].

We should also mention here what the Court of Directors did at this time both with a view to preventing the oppression of the people of this country by its own agents as well as by

[1] In one document the relevant words are : *necessity of issuing*.

[2] Dated at Fort William 4th February, 1771. See the Secret Consultation, Fort William, of 4th February, 1771.

[3] We also find in the Proceedings of the Council at Fort William in its Secret Department, dated 4th February 1771 : 'It appears from the proceedings of the (Controlling) Council in Bahar that they have stept forth as Principals in the Government of that province, and particularly in the Administration of Justice by the nomination of one of their Members to preside at and confirm all sentences, which is a system repugnant to the Intentions of this Board' (i.e., the President and Council at Fort William).

[4] This does not mean, however, that the President and Council at Fort William would not permit steps to be taken for the prevention of injustice. This will be evident from the following extract from the letter which they wrote from Fort William on 21st May, 1771, to the Controlling Councils of Revenue at Moorshedabad and Patna :—

'Altho we wish to interfere as little as possible with the Business that appertains to the Nizamut and established by long usage of the Country Yet as we are desirous of checking the arbitrary Proceedings of the Moorish Courts of Justice from a duty We owe to the happiness and security of the inhabitants, We must therefore desire that you will give the strictest attention to prevent Injustice as much as possible by proper Representations to Government as occasions offer'.

See the Proceedings of the Controlling Committee of Revenue at Fort William, dated 21st May, 1771; also the author's *Early Land Revenue System in Bengal & Bihar*, Vol. I. Ch. IV.

others, and with a view to to ensuring to them a proper administration of justice. In its General Letter, dated 10th April, 1771[1], the Court wrote to the President and Council at Fort William:

'As the aim of our Orders for removing from the Aurungs[2], the Company's Gomastahs and agents of any denomination, is to relieve the weavers and manufacturers, who have long groaned under the oppression of such petty tyrants, We earnestly recommend to you to consider & apply the most effectual means to prevent the Gomastahs & agents of any persons under our jurisdiction, from exercising the like abuses, exactions & extortions as we have reason to fear have been committed by persons under sanction of the Company's name. You are also by maintaining a due execution of justice in the several courts throughout the provinces to afford the oppressed natives all such relief as may encourage them to pursue with alacrity their several occupations, and by convincing them of the benefits of our Influence excite them to recompense by their industry, the attention of their Benefactors'.

'As it is impossible for us', continued the Court, 'to be minutely informed of the regulations established by the Constitution of the Country for the security of the persons & properties of the native inhabitants, it must therefore rest on your local knowledge to judge, if the internal policy & the Executive parts of justice be defective in any point, or too confined to yield that universal relief which we are solicitous to obtain for every individual. In case the means should not be equal to this end, you must not fail to employ your influence with the Government, to supply all defects & to institute such inferior orders of magistracy as may be wanting for the entire protection of all Ranks & degrees of the people'.

Further, the Court stated:

'Should the superior courts in the several districts require any reform your own judgment will suggest to you

[1] See paras. 21–24.   [2] See Glossary.

the means, & your humanity will excite your efforts for preventing any abuses or negligences in the due course of justice. We must however particularly recommend that all power in the judges of imposing arbitrary fines, be immediately abolished, & it will be proper that the Sunnaud appointing judges for the Mahomedans or Brahmins for the Hindus be registered in form, & that a Record be made of the Sentences in the Nabob's court. One copy to be kept in the Cutchery & another transmitted to Muxadabad[1] '.

Lastly, the Court directed :

'As it may happen that the processes of the Courts, while they aim at the Remedy of one evil may be productive of another, you must enjoin our servants, wherever, they shall be stationed, to recommend, in all matters of property between the natives, that they adjust their differences by arbitration instead of legal suits, which may involve both parties in trouble & expense. And having reason to apprehend that the abuses of the Country Courts, in requiring the different parties to give security for the payment of Chout on the adjustment of Disputes by Arbitration, have tended greatly to discourage this mode of deciding differences, you must use your Influence with the Government for the abolition of the Chout exacted by the Courts in Cases of Arbitration '.

On receiving these orders of the Court, the President and Council addressed, on 20th December[2], 1771, letters to the several Councils[3] and Factories under them, instructing

[1] I.e., Moorshedabad.

[2] See the Consultation (Public Department), Fort William, of 20th December, 1771 ; also the *Sixth Report of the Committee of Secrecy*, House of Commons, 1773; also the General Letter to the Court of Directors from the President and Council at Fort William, dated 9th March, 1772.

[3] For instance, the President and Council at Fort William wrote the following letter to the Controlling Council of Revenue at Moorshedabad :

' To James Alexander Esqr Chief & CA
Council of Revenue at
Moorshedabad

' Gentlemen

The Honble the Court of Directors have been pleased to order that

them to carry 'those orders[1] into execution'. Further, they directed therein 'the immediate abolition of the power of arbitrary fines', recommending at the same time that every encouragement should be given to the mode of decision by arbitration[2].

Decision by arbitration.

all Power in the Judges of the several Courts of Justice throughout the Country of imposing Arbitrary Fines, be immediately abolish'd, and that the Sunnuds appointing Judges for the Mahomedans and Brahmins for the Hindoos be register'd in form and a record be made of the Sentences in the Nabobs Courts; One Copy to be kept in the Cutcherry and another transmitted to Moorshedabad.—

'They have also absolutely order'd the abolition of all Taxes or Duties on Plaintiff or Defendant, and they strongly recommend the method of determining all Causes by Arbitration in every Cutcherry throughout the Country; We therefore desire that you will use your endeavours for having these several points carried into Execution and as they apprehend that giving security for the payment of Chout on the adjustment of Disputes has tended greatly to discourage the mode of Arbitration you will exert your Efforts and direct your aim towards the abolition of Chout in all Cases of Arbitration.—

'We have reason to think that the method of administering justice in the Cutcherries is liable to many Objections and labouring under numerous defects. And as your experience must doubtless have enabled you to point and to suggest such measures as may be the most likely to promote a reformation, We desire that you will give us full Information hereon that we may take proper methods for removing every Obstacle tending to impede the free Course of Justice—

We are
Fort William Gentlemen
20th Decemr 1771 etc. . . . .'

Vide the Proceedings of the Controlling Council of Revenue at Moorshedabad, dated 4th January, 1772.

[1] For instance, the President and Council ordered that the Sunnuds appointing judges should 'be register'd in form'; that the 'records of all sentences in the courts' should be 'kept in the Cutcherry and copies (thereof) sent to Moorshedabad'; and that 'all taxes and duties on litigating parties', as well as 'the chout, in causes of arbitration' should be abolished. See *ibid*; also the *Sixth Report of the Committee of Secrecy*, 1773.

[2] In answer to these instructions, the President and Council received letters from Supervisors (Supravisors) in different districts. For example, Mr Baber, Supervisor of Midnapore, wrote to them on 13th January, 1772, that these regulations had already been 'anticipated in the province of Midnapor'; that 'all the judicature in that district was exercised under the authority of the Resident (of the Company), and persons appointed by him in every purgannah'; and that 'all causes arising in inferior districts were reported to the Resident, and every case duly registered in the Phouzdar's Cutcherry; so that there could be no arbitrary fines or impositions, nor any undue authority exercised, independent of the Resident'.

It may be interesting to note here the correspondence that passed between the Company's representatives at Moorshedabad and the President and Council at Fort William, on the question of the settlement of disputes by arbitration, as directed by the Court of Directors in its General Letter of 10th April, 1771. The initiative in the matter had been taken by the Naib Diwan, Mahomed Reza Cawn. He had sent in a memorial[1] to the Controlling Council of Revenue at Moorshedabad on the subject of arbitration, 'accurately

Mr Vansittart, Chief of Patna, stated in his reply that the chout 'had been some time abolished, according to the orders of the President and Council; but that they allowed in lieu thereof two annas to be levied, not only for defraying the charge of the judicature, but as a proper check upon litigiousness'*.

(* It may be noted here that in reply to this, the President and Council 'directed the entire abolition of this duty, as a remnant of the chout, which the Court of Directors had ordered to be absolutely abolished'.)

Mr Stewart, Resident at Burdwan, observed in his reply that 'the course of decisions by arbitration' had been 'found dilatory, undecisive, and unsatisfactory'; that the inhabitants had 'become very averse to that manner of proceedings, preferring greatly the established Cutcherries, especially whilst under the superintendance of a Company's servant; that, in his opinion, the abuses in the administration of justice were to be imputed rather to the corrupt principles of the Mahometan and Gentoo Judges, than to any defects in the laws, or in the regulations of the courts; and that therefore these grievances could not be in any way so well redressed as by a strict superintendance of the Company's servants in their several jurisdictions' (*sic*).

Vide the *Sixth Report of the Committee of Secrecy*, House of Commons, 1773.

[1] Presumably in Persian. The Naib Diwan had stated in his memorial:—

'The Causes which occur are of various Natures, such as Disputes concerning Inheritance, Possessions, hereditary Property, Purchases, Assignments Etc which in this Country are regulated & decided by the Laws of the Scripture according to the Orders of the Almighty & his Prophet— If the Decision of these is to depend on Arbitrators, no Man who is conscious that his Complaint is just according to the Scriptures will consent to refer it to the Award of Arbitrators, whose Judgements & Decrees may differ so widely from the peculiar Precepts of the Mussulman Faith—And on the other Hand, every Man who knows that his Suit is unjust according to those Precepts will request that it may be submitted to Arbitration—but will his Opponent ever consent to it?—In other Cases, such as the following: if one Person unjustly strikes another, or without Provocation or Cause oppresses & treats him injuriously, or if the strong Man distresses the weak, untill the Oppressor is punished by the Sentence of the Magistrate, will the injured rest satisfied?

'When a Man is detected in any Fault, Offence or Misdemeanor, & requiring that an Example should be made to deter others, such a

distinguishing such causes as are proper for that mode of decision, and such as must be decided by the courts of judicature according to the law'. The Controlling Council enclosed a translation of this memorial[1] in a letter to the President and Council at Fort William, dated at Moorshedabad 6th April, 1772. Among other things, the Controlling Council stated in its letter:

'It seems certain that ever since this Country has been subject to the Mahommedans by Right of Conquest, the most important Points of Judicature have been tried & decided by their Laws; & it has uniformly been a Maxim of the Policy of their Government to suffer no Deviation from this Rule,

Punishment cannot be decreed by Arbitrators, it can only be inflict(ed) by Orders of the Magistrates— In criminal Cases (when) such as Murther, Theft, Adultery, & Highway Robber(y) the Sentence of Punishment cannot be given by Arbitrators, it must depend on the Court of Adawlut, the Decrees of a Magistrate, the Opinion of the Learned & the Officers of Religion— All Cases of Frauds & Violences can only be tried by the Courts of Judicatu(re) & the Magistrates— There are a few Cases however such as Debts & commercial Matters, in which if (both) parties agree to refer their Dispute to Arbitration it may be decided by their Award—

'From this Representation it appears, that (the sa)tisfaction of the Generality of the Inhabitants does (not) & cannot depend on Arbitration, & from the earlie(st) down to the present Times, it has been owing to these O(b)jections that it has not been in all cases adopted— Otherwise even now, all Causes which can be decided by this Mode, if the Parties consent, are referred to Arb(i)trators, & many who are not litigiously disposed, wi(thout) preferring any Complaints, or repairing to (the) Court of Adawlut, appoint Arbitrators themselves (who) decide their Dispute.—As it seems your earnest (De)sire, I have issued Orders to the Officers of the Courts (of) Justice in the Districts, that in all Matters of Deb(ts) Trade, petty Quarrels, & ordinary Occurrences, whe(re) the Parties are willing, they are to appoint Arbitrators, who are strictly to enquire into their Disput(es) & having decided them according to Equity, they a(re) to deliver a Copy of their Proceedings to the Court of Adawlut, where the Officers of the Court are to cause it to be registered, & whilst such Matters can be tried by Arbitration, they are to follow no other Mode—

A true Translation.

(signed) D Anderson
Act[g] P[n] Tr'

Vide the Proceedings of the Controlling Council of Revenue at Moorshedabad, dated April 6th, 1772. (These Proceedings have also been published by the Bengal Secretariat Book Depot). Also see the *Sixth Report of the Committee of Secrecy*, House of Commons, 1773.

[1] See the preceding foot-note in this connexion.

unless where their Laws which are totally founded on the peculiar Tenets of the Mahommedan Faith have been found defective or inexplicit, & where ancient & established Customs were known to prevail; & so cautious have they been in this Respect that they have ever excluded the Gentoos from all Share in the public Administration of Justice—If we consider then the strong Prepossession the Mahomedans, (the Appearance of whose Government we wish to preserve,) entertain for their Laws, their Religion, & their Customs, there seems reason to apprehend that any attempt in us suddenly to introduce the general Practice of the Mode of Arbitration in all Cases, would be looked on by them as an Encroachment on their Laws & consequently in some Measure an infringement on their Religion & Customs —& that the Measures proposed by our Honble Employers, therefore instead of being viewed in the humane & beneficient Light they desire (deserve ?) would excite discontent & Apprehension, & perhaps be liable to an obstinate & inflexible Opposition as well from the Officers of the Courts of Justice as from the Inhabitants themselves—

'The particular Points which have thus been properly provided for in the Mahomedan System of Jurisprudence & which hitherto have only been cognizable in the Courts of Judicature are pointed out to you in the enclosed Translation[1] of the Naib Dewan's Opinion.

'To these we presume from the Tenor of your Lres[2] it is not the Intention of our Honble Employers that the Regulations they have prescribed should be immediately extended.— But it appears there are other Matters, which having already not unfrequently been tried & decided by Arbitration may in future be always adjusted by this Mode: amongst the chief Cases which may be brought under this Class, are, Matters of Debt, commercial Disputes, & the various petty Contests and Differences which daily occur amongst Men of Business In all such Cases, the Naib Dewan, in the

[1] See foot-note 1 on page 464.
[2] Reference here is to the letters from the President and Council at Fort William, dated 20th December, 1771, and 6th February 1772.

Perwannahs which he has circulated to the Naib of Dacca, the Phou(s)dar of Houghly, & the Officers of the several provincia(l) Courts of Adawlut, has recommended the Method of deciding by Arbitration '[1].

In its reply, dated at Fort William 13th April, 1772, the President and Council wrote to the Council of Revenue at Moorshedabad[2] :—

'From the Tenor of the Remonstrance of the Naib Dewan we apprehend that he has not cl^a^ly understood the

[1] The Controlling Council added :

'To obviate as (far) as possible the Counteraction this Measure m(ight) receive from interested Motives in the Officer(s of) these Courts, who otherwise might wish to bri(ng) every Cause under their own Cognizance, & at (the) same Time to secure a more equal & incorrupt Dispensation of Justice until the present Plan can be effectually established, the Supervisors have reced our Instructions to restrain the several Officers in their respective Districts from all Exactions of Juremana, Shakerana, & other Impositions which it seems were in fact originally prohibited, & in case of Detection to send the Offenders under a Guard to the City—To remove on the other Hand all venal Incitements to Partiality in the Arbitrators (as well) as with a View to dispell the Reluctance which the Inhabitants might entertain to this Mode of Decision whilst loaded with a heavy Charge, Orders have been issued for the Abolition of Chout and all other Fees usually levied on this Occasion : & lastly in order to give a greater Degree of Validity & Respect to the Awards of the Arbitrators, we have directed that their Proceedings may in future be registered in the Records of the judicial Courts constituted by Government.

'By these Measures, which we hope will be found not less consistent with the just & equitable Character of our Government, than strictly conformable to the Intentions of the Honble the Court of Directors, as well as to the Spirit & purport of your Orders, we flatter ourselves that with the Encouragement given by the Supervisors, who we doubt not will be careful to exhibit in a favourable Light its superior Advantages in Point of Impartiality & speedy Decision, the Mode of Arbitration will imperceptibly gain the Ascendancy in civil Cases, & gradually prevail in the Minds of the Inhabitants, who tho' strongly attached to their native Laws, will, it is to be supposed be fond of submitting their Disputes to Judges chosen voluntarily by themselves, who they may conclude will be exempt from Corruption & Partiality, & who having no Motives to retard will bring their Cause to a Speedy Issue '.

Vide the Proceedings of the Controlling Council of Revenue, Moorshedabad, dated 6th April, 1772 ; also the *Sixth Report of the Committee of Secrecy*, House of Commons, 1773.

[2] See the Consultation, Controlling Council of Revenue, Moorshedabad, of 20th April, 1772.

The letter from Fort William, dated 13th April, 1772, was signed by Messrs Warren Hastings, William Aldersey, P. M. Dacres, Thomas Lane, Richard Barwell, James Lawrell, Henry Goodwin and J. Graham. See *ibid.*

Scope & Design of the Honble Court of Directors in the Orders[1] lately transmitted to you—It was never proposed to make any Alteration in the established Courts or Forms of Justice, or to adjudge Crimes & Misdemeanors by Arbitration, but that in such civil Cases only as regarded Debts & disputed Accts the Mode of Arbitration should be recommended as conducive to the Ease of those Courts, & the Welfare of the People—We concur in Opinion with the Naib Dewan that all Cases of Inheritance, Marriage, or other Matters for which the Mahomedan Law has made a Provision should be decided by the established Magistrate with the Assistance of the Expounders of the Law—In like Manner, we are of Opinion, that all Matters respecting Inheritance & the particular Laws & Usages of the Casts of Gentoos should be decided by the established Magistrate assisted by Bramins & the Heads of the Casts according to the Gentoo Law—Such we understand is the invariable Practice of all the Mahomedan Governments in Indostan—

'We desire that this Explanation may be given to the Naib Dewan of our Intentions which were not to subvert any of the established Laws but to facilitate the Course of Justice & to free it if possible from Venality & Corruption'[2].

On 20th April, 1772, the Controlling Council wrote to the President and Council at Fort William that the 'Explanation' of their 'Intentions relative to the Administration of Justice'

[1] See pages 461–62 *ante*.

[2] 'We approve of the Orders', said the President and Council further in their letter, 'which have been circulated for the Abolition of the Fines of Juremana Shukerana etc There can be no Doubt that where the Parties in any Cause arising from contested Accts, can agree to the Mode of Arbitration it is adapted (*sic*) to prevent tedious Litigations & the most easy Kind of Decision—It is no Way repugnant to the Mahomedan Law, nor does it interfere in any Shape with the Jurisdiction of the Courts established throughout this Country for the Administration of Justice—But tho' it may prove a Relief to the People, we fear it is too commonly a Grievance to those who are nominated to act as Arbitrators—It is a Charge which is always undertaken with Reluctance—Few People have so much Time to spare from their own Concerns; or are animated with that gratuitous Zeal for the Interest & Rights of their Neighbours as to enter heartily into Enquiries of this Nature or bring them to a speedy Issue, but if left to themselves they generally suffer the Cause referred to them to be for Months & Years undetermined to the great Detriment & Vexation of the Parties—Nor can any Kin(d) of

had been communicated to the Naib Subah, and that when it received 'his Answer', it would be submitted to their consideration, together with its 'further Sentiments on that Subject'.[1]

At a Consultation of the Controlling Council, held at Moorshedabad on May 4th, 1772, the Persian Translator to the Council delivered a 'Translation of the Naib soubahs Representation in reply to the Honble the President & Council's Lre regarding the Administration of Justice'. The representation is interesting in more respects than one. 'With Respect to their (i.e., the President and Council's) Orders that all Matters regarding Inheritance and particular Customs & Laws of the Gentoos, should be decided by an established Magistrate assisted by the Bramins & heads of their respective sects which Method they say they believe prevails throughout every Mussulman Covernment (in) the whole Indian Empire, I must remark', observed the Naib Subah, among other things, 'that ever since the Mahomedan Religion has been established in Hindostan it never has been customary to decide Matters regarding the Participation (*sic*) of the Estate of deceased persons, Inheritance or other Disputes amongst Gentoos with the Assistance of the Bramins or the heads of the several sects in any Mussalman Government or Jurisdiction'. 'Amongst the many Reasons', continued the Naib Subah, 'which have concurred to prevent the Bramins being appcinted to this Branch of Business the following mode be assigned. I[t] the Gentoos are subject to the true Faith, & to order a Magistrate of the Faith to decide in conjunction with a Bramin would be repugnant to the Rules of the Faith, & in a Country under the Dominion of a Mussalman Emperor it is improper that any Order should be

Compulsion be used in this Case without manifest Injustice to the Arbitrators themselves.

'This is the Difficulty, & the only one which has occurred to us in encouraging the Method of Arbitration; & we should be glad of your Opinion & Assistance in the Establishment of such Expedients as may remove it if possible'.

—See the Consultation, Controlling Council of Revenue, Moorshedabad, of 20th April, 1772.

[1] See *ibid*

issued inconsistent with the Rules of his Faith, that Innovations should be introduced in the Administration of Justice.

'(2n)dly If the Gentoos could decide amongst Themselves by the Bramins their Disputes regarding Inheritance & the participation of Estates Why should they come to the Court of a Magistrate to complain? The Magistrate does not compell them to come & complain. But when their Disputes cannot be settled by their Bramins & the heads of their Casts (*sic*), they complain to the Magistrates from whose Decisions they cannot deviate For from their Minute Acquaintance with the Forms and Usages of Courts, the Magistrates are able to investigate & decide Causes with an Accuracy & Exactness far exceeding what could be effected by the Degree of Penetration & Discernment possessed by Bramins & heads of the Gentoo Tribes. There is besides a vast Difference in their Determinations, and was the Magistrate to disregard the Rules & Usages of his Jurisdiction & conform in his Decree with the Determinations of a Bramin, the Foundation of the system of Justice, which has for a long series of Time been binding on the whole Body of the people whether Mussulmen or Jentoos, must undergo a Subversion:

'The Decisions of the Bramins are contrary to the Letter of our Law. If the Magistrate therefore contrary to Custom was to give his Decree in Conjunction with the Bramin a Confusion subversive of the Maxims of our judicial System, & the Rules of our Religion must take place

'But if the Gentoos without repairing to complain obtain an Adjustment of their Differences amongst themselves agreeably to their own particular Laws and Customs, it is not the Business of the Magistrate to interfere.

'3dly If the Bramins are appointed to assist the Magistrate owing to the Difference of their Opinions and Customs continual Contentions mus(t) arise betwixt the Judges, & the Decision of Disputes mus(t) necessarily be protracted.

4h The sect of Jentoos is compos'd of a Number of different Tribes namely of Bengallees, Hindostanees,

Ketrees, Kushmeerees Guzerattees & The Bramins of this Country, who excell in learning & on this Acct,, are raised to the Eminence of Batta Charige are uniformly of the Tribe of Bengallees. Each separate Tribe has its own distinct Customs and Laws differing from each other. According to the Decrees of a Bengalee Batta Charige, a Daughter who by our Laws would be entitled to a Share of her Fathers Estate is entirely rejected. The Divisions given to the several sons is (*sic*) more or less according to their Age. An adopted son is deemed by them a valid Heir & if a son & a Daughter are born of the same Mother, the One is allowed the whole Estate of their deceased Father, the Other is totally deprived of any Claim—Besides these Instances many Others might be produced, wherein the Gentoo & the Mussulmen Laws differ, for which Reason none of the former Emperors down to the present ever appointed a Bramin to assist a Magistrate'.[1]

The Controlling Council decided on May 4th, 1772, to transmit the above sentiments of the Naib Subah[2] to the President and Council at Fort William, along with a letter of its own to them. It first acknowledged in this letter[3] receipt of the latter's letter of 13th April[4], 1772, and then observed that when it had previously informed them 'of the several Steps' it 'had taken to promote the general Use of Arbitration in particular Cases', it had been well aware that 'the Grand Difficulty which remain'd to be surmounted would be found in the Reluctance of the Arbitrators Themselves'. 'All that We depended on was', the Controlling Council continued, 'that the Task being render'd voluntary some man might always be found out of an Number of Connections to

[1] 'A true Translation D A.'—See the Consultation, Controlling Council of Revenue, Moorshedabad, of 4th May, 1772. D A means here D. Anderson (Acting Persian Translator at the time).

[2] Also referred to in the relevant document as "Naib Dewan."—See *ibid*.

[3] See the Controlling Council's letter to the President and Council of Fort William, dated at Moorshedabad 4th May, 1772, in the Moorshedabad Consultation of 4th May, 1772.

[4] See pages 467–68 *ante*.

undertake it either from Motives of Regard, to the Disputants themselves or in Consequence of the Encouragement afforded by the Agents of the Government. It was for this Reason We inferred the progress of this Mode must be gradual not immediate. In these sentiments We still continue, but We must acknowledge that tho' We hope it may at length be accomplished yet from the Reluctance to be apprehended in the Arbitrators as well as from the Uncertainty which ever attends all innovations in so important a Branch of Government, the Introduction of Arbitration on the extensive plan laid down by our Honble Masters must We think be doubtful & precarious'.

In regard to the views of the Naib Subah[1], the Controlling Council remarked in its letter[2]:

'We have communicated to the Naib Duan[3] the Purport of the second Para of your Letter, & have now the honor to enclose You his Answer, from which You will observe that his Opinion coincided with your Orders in every Point unless where You have enjoin'd that Cases of Inheritance Etc amongst the Gentoos should be decided by an established Magistrate assisted by Bramins & the heads of the several sects. His Reasons for differing from You in this Particular he has fully represented. We shall therefore submit them to your Consideration without any Comments of our own. We shall only beg leave to repeat what We before remarked . . . . that We have always consider'd it as repugnant to the Principles & Customs of the Mussalmen Government to admit the Gentoos to participate in the publick Administration of Justice at the same Time We believe it is (not?) uncommon for them to settle their Differences amongst themselves without having Recourse to an established Magistrate, or procuring his Ratification of the Adjustment. This Method borders nearly upon that of Arbitration, & as the Naib Duan has observed that it is not

[1] Also referred to as "Naib Dewan" (Duan).—See the Consultation referred to in foot-note 3 on page 471.

[2] See *ibid*.

[3] I.e. Naib Subah.

the Business of a Magistrate in such Cases to interfere, We think it ought to be promoted & encouraged'.

It appears from what has been shown before that, according to the President and Council of Fort William, it was 'the invariable Practice of all the Mahomedan Governments in Indostan' to decide all disputes relating to inheritance, marriage, etc., in the case of Hindus, according to Hindu laws and usages, as interpreted by 'Bramins & the Heads of the Casts' concerned, and that they accordingly directed in their letter of 13th April, 1772, to the Moorshedabad Council of Revenue, that such cases should be so decided also in future. Mahomed Reza Cawn, the Naib Diwan and Naib Subah, held, however, a different view in regard to the question of the practice of Mahomedan Governments in respect of those cases, and, therefore, remonstrated, as we have already seen, against the above-mentioned direction of the President and Council of Fort William. The attitude of the Moorshedabad Council of Revenue towards this question seems to have been one of non-committal. The President and Council, however, do not appear to have modified their direction as a result of the remonstrance on the part of the Naib Subah; nor do they appear to have sent any reply to it, or to the forwarding letter of the Moorshedabad Council to them. Meanwhile, Mahomed Reza Cawn, the Naib Diwan, had, on 27th April, 1772, been arrested[1] by Mr Samuel Middleton, Chief (President) of the Controlling Council of Revenue at Moorshedabad, under an order[2] of the President of Fort William, dated at Fort William 24th April, 1772, and then sent down to Calcutta 'under a Guard'. Moreover,

[1] See the Moorshedabad Consultation of Tuesday, 28th April, 1772; also the Secret Consultation, Fort William, of 28th April, 1772; also Forrest, *Selections from the Letters, Despatches*, etc., 1772–1785, Vol. I, pp. 1–6.

[2] This order, which had reached Mr Samuel Middleton at Moorshedabad on 26th April, 1772, had been issued by the President of Fort William in accordance with a direction received by him from the Secret (in one copy thereof, Select) Committee of the Court of Directors, which had arrived at Fort William on 23rd April, 1772, by the *Lapwing's* Packet. See *ibid*; also the author's *Early Land Revenue System*, etc., Chapter V.

under an order[1] of the President and Council in their Secret Department, dated at Fort William 28th April, 1772, Mahomed Reza Cawn had been 'deprived of his office of Naib Dewan' and the Moorshedabad Council of Revenue[2] directed 'to undertake[3] the Conduct of that Office until a proper plan can be found for the management of so Important a Trust'. Lastly, Mahomed Reza Cawn had, at the instance of the President of Fort William, been dismissed[4] by Nabob Mobareck-ul-Dowla[5] 'from the Office of Naib Soubah which he had hitherto held under him'.

A further step for reforming the administration of justice.

We shall now describe the steps which the Company took in August, 1772, for reforming the administration of justice in Bengal. This happend as follows.

[1] The order ran as follows:—

'To Samuel Middleton Esqre
Chief & Council of Revenue at Moorshedabad

Gentlemen,

The Hon'ble the Court of Directors having thought proper to divest Mahomed Reza Cawn of his Station of Naib Duan, & having determin'd to stand forth publickly in the Character of Dewan. (*sic*) We direct for the present that you take Charge of that Office & perform the Duties (of it) until We shall have settled & digested a proper Plan for (the) Conduct & Management of so important a Trust, & You will immediately make this Alteration publick at the City as well as in all the Districts appertaining to the Provinces of Bengall.

Fort William We are Gentlemen Etc.
April 28, 1772.

Vide the Moorshedabad Consultation of Thursday, 7th May, 1772; also the Secret Consultation, Fort William, of 28th April, 1772; also Forrest, *op. cit.*, p. 6; also the author's *Early Land Revenue System*, etc., Chap. V.

[2] I.e., the Controlling Council of Revenue at Moorshedabad.

[3] In pursuance of the order of the President and Council of Fort William, dated 28th April, 1772, the Council of Revenue at Moorshedabad actually assumed charge of the office of Diwan on 11th May, 1772, and, at the same time, 'proclaimed at the Kellah and at the Khalsah the dismission of Mahomed Reza Cawn from his station of Naib Dewan'.

Vide the Secret Consultation, Fort William, of 16th May, 1772; also the Moorshedabad Consultation of Monday, 11th May, 1772.

[4] *Vide* the Letter from Mr Samuel Middleton, Chief of the Moorshedabad Council, to the President and Council at Fort William, dated at Chunapore, 13th May, 1772, in the Secret Consultation, Fort William, of 16th May, 1772; also see in this connexion the Secret Consultation, Fort William, of 7th May, 1772.

[5] Also spelt as Mubarek-ud-Dowla.

In its General Letter[1] to Bengal, dated 28th August, 1771[2] the Court of Directors declared, with a view to deriving 'the full advantage' it expected from the Royal 'Grant of the Dewanny', its 'Determination to stand forth as Duan, and by the agency of the Company's Servants, to take upon' itself 'the entire care and management of the Revenues'. The Court did not issue any instructions as to the means by which this agency was to be exercised[3], but expressed its confidence in the abilities of the President and Council of Fort William to whom it had addressed its letter, 'to plan and execute this important Work'. Further, it trusted that the President and Council 'will adopt such regulations and pursue such measures as shall at once ensure' to it 'every possible advantage and free the Ryot from the oppressions of Zemindars and petty Tyrants, under which they may have been suffered to remain, from the interested views of those whose Influence and Authority should have been exerted for Their Relief and protection'. Now the business of the Diwani was 'considered as composed of two Branches.

'1st The Collection of the Revenues.

2nd The Administration of Justice in civil Cases'.[4]

Elsewhere[5] we have dealt in detail with the steps which the President and Council at Fort William took, on receiving the commands[6] of the Court of Directors by the *Lapwing*, for the settlement and collection of land revenue in Bengal. Here we shall deal only with the new plan for the administration of justice which was approved by the President and Council at a Secret Consultation held at Fort William on

[1] Para. 21. The letter had been addressed to the President and Council at Fort William.

[2] Received at Fort William on 23rd April, 1772, by the *Lapwing Snow*.

[3] See in this connexion the Proceedings of the meeting of the Committee of Circuit, held at Cossimbazar on 28th July, 1772.

[4] See the Proceedings, Committee of Circuit, Cossimbazar, of 20th August, 1772; also the Secret Consultation, Fort William, of 29th August, 1772.

[5] See the author's ***Early Land Revenue System***, etc., Chapters V & VI.

[6] Conveyed by the Court's General Letter to Bengal, of 28th August, 1771.

21st August, 1772. The plan had been originally proposed by the Committee of Circuit[1], which had been constituted[2] by the Controlling Committee of Revenue[3], at its meeting held at Fort William on 14th May, 1772. Originally, this Committee of Circuit consisted of the following members of the Controlling Committee:—

the Hon'ble Mr Warren Hastings (President),
Mr Samuel Middleton,
Mr Philip Milner Dacres,
Mr James Lawrell, and
Mr John Graham.

There were altogether thirty-seven Regulations[4] in the Plan for the Administration of Justice, as proposed by the Committee of Circuit. We shall notice here only some of the important Regulations.

[1] It may be noted here that a draft plan 'for regulating the administration of Justice' had been first placed before a meeting of the Committee of Circuit, held at Cossimbazar on 25th July, 1772. This draft 'having undergone a strict & critical Examination, and received such Alterations as the late Resolution of the Board (i.e., the Committee of Circuit itself) for the Removal of the Seat of the Collections' from Moorshedabad to Calcutta had rendered necessary, was finally 'read and approved' by the Committee of Circuit at its meeting held at Cossimbazar on 15th August, 1772.

—See the Proceedings of the Committee of Circuit, Cossimbazar, of 25th and 28th July and 15th August, 1772.

[2] For further details in regard to the origin, constitution and functions of the Committee of Circuit, see the author's *Early Land Revenue System*, etc., Chapters V & VI. It may, however, be noted here that the Committee of Circuit was required by the Controlling Committee of Revenue (i.e., the President and Council at Fort William) to take, among other things, on its arrival 'at the City' (i.e., Moorshedabad) 'such preparatory measures as shall be needful for the new arrangement of the business of the Calsa (i.e., Khalsa) and the change which has been ordered to take place in the Dewanny'.

—*Vide* the Instructions from the Controlling Committee of Revenue to the Committee of Circuit, dated at Fort William 4th June, 1772, in the Proceedings of the Controlling Committee of Revenue, Fort William, dated 4th June, 1772; also the Proceedings of the Committee of Circuit at Kishen Nagar (Krishnagar) from the 10th to the 28th of June, 1772.

[3] It was a Committee of the whole Council at Fort William. For further details in regard to this Committee, see the author's *Early Land Revenue System*, etc., Chapter IV.

[4] See the Plan for the Administration of Justice in the Proceedings of the meeting of the Committee of Circuit, held at Cossimbazar on 15th August, 1772; also see Appendix 16.

In the first place[1], the Committee of Circuit proposed that in each district there should be 'established two Courts of Judicature; one by the Name of Mofussul Dewannee Audawlet, or provincial Court of Dewannee, for the Cogniz(ance) of Civil Causes; the other by the Name (of) Phoujdarree Audawlet, or Court of Phoujdarree, for the Trial, of all Crimes and Misdemeanors'; and that 'for the better ascertaining the Jurisdiction of each Court, and to prevent Confusion & a Perversion of Justice, the Matters cognizable by each respectively' should be as follows:

'All disputes concerning Property whether real or personal, all Causes of Inheritance, Marriage and Cast (*sic*) all claims of debt, disputed Accounts, Contracts, Partnerships & demands of Rent' should 'be judged by the Dewannee Audawlet[2]'; and 'all Trials of Murder, Robbery, and Theft, and all other Felonies, Forgery, Perjury and all sorts of Frauds and Misdemeanors, Assaults, Frays, Quarrels, Adultery, and every other Breach of the Peace or Violent Invasion of property' should be 'submitted to the Phoujdarree Audawlet'.

Secondly, the Committee proposed that over 'the Provincial Court of dewannee' the Collector of each district should preside 'on the part of the Company in their Quality of Kings Dewan'; that he was to be 'attended by the provincial Dewan appointed by the President and Council, and the other officers of the Cutcherry'; that this Court should be held regularly on every Monday and Thursday, and oftener if it was necessary; and that no causes should be 'heard or determined but in the Open Court regularly Assembled'.

Thirdly, the Committee suggested that 'in the Phoujdarree Audawlat the Cauzee and Muftee of the district, and two Moulavies' should 'sit to expound the Law, & determine how

[1] See the references in the last foot-note.

[2] Subject to the condition that all questions relating to 'the Right of Succession to Zemindarrees & Talookdarrees' were to be 'left to the decision of the President and Council'.

far the delinquents shall be guilty of a Breach thereof'. The Collector of the district, however, was also to 'make it his Business' to attend to the proceedings of this Court 'so far as to see that all necessary Evidences are summon'd and examined, that due Weight is allowed to their Testimony, and that the decission (*sic*) passed is fair and impartial according to the proofs exhibited in the Course of the Trial'. He was thus 'to exercise a sort of general superintendence' over the procedure of this Court[1]. Here also no causes were to be 'heard or determined but in the Open Court regularly Assembled'.

Fourthly, two 'Superior Courts of Justice' were to be 'established at the Chief Seat of Government[2] the one under

[1] See Kaye, *The Administration of the East India Company, 1853*, p. 327.

[2] I.e., at Calcutta. The expression 'the Chief Seat of Government' which actually occurs in Regulation 5 of the Plan for the Administration of Justice (see Appendix 16), seems to have misled some writers. For instance, Harington (John Herbert, *An Analysis of the Laws and Regulations enacted by the Governor-General in Council*, etc., Vol. I, Revised Edition, London, 1821, p 299), Peter Auber (*An Analysis of the Constitution of the East India Company*, etc., London, 1826, pp. 277-78), and Cowell (Herbert, *The History and Constitution of the Courts and Legislative Authorities in India*, Calcutta, 1872, p 38, and also 6th Edition, 1936, p. 31) have stated that the Sudder Nizamut Adalat was established at Moorshedabad. This is an error. As we have indicated above, when effect was given to the Plan for the Administration of Justice to which we have referred before (pp. 475-76), both the Superior Courts of Justice, namely, the Sudder Diwani Adalat and the Sudder Nizamut Adalat, were first established at Calcutta. And the Committee of Circuit which had originally framed the Plan at its meeting held at Cossimbazar on 15th August, 1772, had also intended this. As we have shown in detail elsewhere (see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 186-89), at a previous Consultation held at Cossimbazar on 28th July, 1772, the Committee of Circuit had expressed the opinion that 'the Revenue in all its Branches' should 'be put under the immediate controul of the President and Council at the Presidency', and resolved that 'the Board of Revenue at Murshedabad be abolished, and that the Court of Calsa (Khalsa) with all the offices appertaining thereto be transferred to the Presidency, & placed under the Charge and Direction of the President and Council'. Further, the Committee had resolved that a copy of the minutes of this Consultation should be transmitted to the Council at Fort William, and had written a letter to the Council, advocating that the 'Khalsa Cutcherry, and all the Offices dependent upon it ought to be removed to Calcutta'. (See the Proceedings of the Committee of Circuit, Cossimbazar, of 28th July, 1772; also the Committee's letter to the Council, dated at Cossimbazar, 28th July, 1772, in Appendix 17).

the Denomination of the Dewannee Sudder Audawlut and the other the Nizamut Sudder Audawlut'. The 'Dewannee

Now one important consideration which had led the Committee to recommend the removal of the Khalsa from Moorshedabad to Calcutta, was the possibility of a great increase in the population and wealth of Calcutta as a result thereof, and of the corresponding diminution of the importance of the City of Moorshedabad. As an matter of fact, the Committee had expected, as a result of this removal, that the 'Consequence of the Presidency will be much improved with its Population, as it will lessen that of Moorshedabad which will no longer remain the Capital of the Province having nothing to support it but the presence of the Nabob and a few families of Consideration who possessing valuable property on the spot will of course chuse to continue there. The Consequence of the Nabob himself will sink in proportion and the Eyes of the people will be turned to Calcutta, as the Centre of Government and to the Company as their Sovereign'. (See the Proceedings of the Committee of Circuit, Cossimbazar, of 28th July, 1772). It may be mentioned here that the Council at Fort William had unanimously 'concurred with the Committee (of Circuit) in the propriety of removing the Khalsa to the Presidency and of vesting the immediate superintendence of the revenues in the President and Council', and that in its letter, dated at Fort William 6th August, 1772, it had written to the Committee at Cossimbazar :

'The proposed removal of the Kalsah meets with our entire approbation'.

And the Council actually wrote to the Court of Directors on 3rd November, 1772:—

'At a Meeting of your Council of the 30th August it was unanimously resolved to adopt the Plan, proposed by our President and Members of the Committee of Circuit at Cossimbazar, for removing the Seat of the Revenue Business to the Presidency, and for putting this important Branch of your Affairs under the immediate Management of your Governor and Council; in consequence of which we formed ourselves into a Board of Revenue the 13th Ultimo. Since that time all Affairs respecting the Collections, or internal Government of the Provinces, have been confined Solely to this Department'.

(See the Secret Consultations, Fort William, of August 6th and 17th, 1772; also the Proceedings of the Committee of Circuit, Cossimbazar, of 20th August, 1772; also the General Letter (Revenue Dept.) to the Court of Directors, dated at Fort William 3rd November, 1772).

We also find from the following extract from a General Letter from Bengal, to the Court of Directors, dated 5th September, 1772, that the Khalsa had been actually removed from Moorshedabad to Calcutta even before that date: 'The removing the Seat of the Collections to the Presidency, having rendered unnecessary the Revenue Establishment at Moorshedabad, it has been of Course withdrawn'.—(See the Fifth Report from the Committee of Secrecy, House of Commons, to enquire into the Causes of the War in the Carnatic, 1782, Appendix 4; also see in this connexion the General Letter (Revenue Dept.) to the Court of Directors, dated at Fort William 3rd November, 1772).

In view of what we have shown above, we may say that when the Committee of Circuit 'approved' of the 'Plan for the Administration of Justice' on 15th August, 1772, it really meant by the expression 'Chief Seat of Government' in Regulation 5 of the Plan (see Appendix 16), Calcutta and no other place.

Sudder Audawlut' was to receive and 'determine Appeals from the provincial Dewannee Audawlut'. The decree of this 'provincial Dewannee Audawlut' 'on all Causes for

Apart from what we have stated above, there are some direct evidences, proving that both the Superior Courts of Justice were first established at Calcutta. First, we find in the Proceedings of the (Council) Consultation (Revenue Dept.), held at Fort William on 15th December, 1772:

'The Superintendant (of the Khalsa) ...... acquaints the Board (i.e., the Council at Fort William) that upon Enquiry into the Characters and Abilities of the several Persons recommended for *the two Superior Courts of Awdaulut at the Presidency*' (i.e., at Fort William), etc. .... (The italics are ours).

Also—

'As the Collectors Cutcherry (at Calcutta) will be wanted for the Superior Courts of Justice,' etc. ...

Secondly, we find that in a General Letter (Revenue Dept.), dated at Fort William 6th January, 1773, the President and Council wrote to the Court of Directors:

'In our former Address of this Season,—i.e., in their letter of 3rd November, 1772—we had the Honor to lay before You a Plan for the better administration of Justice throughout the Country, and for forming Judicial Courts in each Province, from whose Decrees an Appeal should lay (*sic*) immediately to *Calcutta*. *We have since established the Courts of Justice at the Presidency*. The Nizamut for the trial of high crimes, and the Sudder Dewanny for hearing Appeals in Causes of Property. The former has been *fixed at this place* agreeably to our original Intention for confirming, etc. ....'

(The italics are ours).

Lastly, we find in Hastings's letter to Lord Chief Justice Mansfield, dated at Fort William 21st March, 1774: 'Two courts were appointed in every district, one for the trial of crimes and offences, and the other to decide causes of property .... These courts were made dependent on two supreme courts *which were established in the city of Calcutta*, one for ultimate reference in capital cases, the other for appeals'.—(For further details, see Gleig, *Memoirs of Warren Hastings*, Vol. I, 1841, p. 401, and Keith, *Speeches and Documents on Indian Policy*, Vol. I, p. 62.)

(It may be observed here that Firminger (*Introduction to the Fifth Report*, p. ccxxii), (Miss) Monckton Jones (*Warren Hastings in Bengal*, p. 313) and *The Cambridge History of India*, Vol. 5, p. 415, have given the correct information on this question).

We may note here that only at a Secret Consultation, held at Fort William *on 18th October, 1775*, that the Governor-General and Council decided 'to remove the Nezamut adaulet *now at Calcutta to be held in future at Moorshedabad*', so that Mahomed Reza Cawn, who was, on his virtual acquittal of the charges brought against him, 'recommended' by them 'to the Nabob Mobarik O' Dowla to be Naib Souba or Minister of the Sircar and Guardian of his minority, with authority to transact the Political affairs of the Sircar, to superintend the Fouzdarry Courts and the administration of Criminal Justice throughout the Country and to enforce the operation of the same on the present Establishment or to new Model and to correct it', might 'have full control over the officers of the Criminal Courts in the Character

Sums not exceeding 500 Rupees' was to be final, but 'for all above that Amount' an appeal was to lie to the 'Sudder Dewannee Audawlut'. The President with two members of the Council (at Fort William) was to preside over this latter Court, 'attended by the Dewan of the Khalsa, the head Canongoe and other Officers of the Cutcherry'. In the absence of the President a third member of the Council was to sit along with the other two members. That is to say, not less than three members of the Council were to 'decide on an Appeal'. But the whole Council might sit if it so thought fit.

A 'Chief Officer of Justice appointed on the part of the Nazim' was to preside over 'the Nizamut Audawlut by the Title of Dorogo-Audaulut'.[1] He was to be assisted by the Chief Cauzee, the Chief Muftee, and three capable Moulavies. Their duty was to be 'to revise all the proceedings of the Phoujdarree Adawlut, and in Capital Cases by Signifying their Approbation or disapprobation thereof with their Reasons at large, to prepare the Sentence for the Warrant of the Nazim, which shall be returned into the Moffussil &

of Naib Souba'. (The italics are ours).—(See the Proceedings, Secret Department, Fort William, of 18th October, 1775; also O.C. No. 2, Secret, Fort William, of 18th October, 1775, in Appendix 18; also Colebrooke, *Supplement to the Digest of the Regulations and Laws enacted by the Governor-General in Council*, 1807, p. 125; also the Fifth Report, Select Committee, House of Commons, dated 28th July, 1812).

And we also find in the Proceedings of the Governor-General and Council, of 6th November, 1775:

'Articles relating to the Niabut of the Nizamut Foujdary Etc. proposed by Nabob Mahomed Reza Khan.

1st The Governor-General and Council have been pleased to appoint me, Sied Mahomed Reza Khan, Mozuffer Jung, to the office of Naib Soubah, which I formerly held, with the superintendence of the Foujdary and Adaulut, the Cauzyship, the Administration of criminal justice, and the regulation of weights and measures, with authority to adjust and correct the method in which the business has been conducted; it is necessary, etc. . . . . . '—See Colebrooke, *Supplement to the Digest*, etc., 1807, pp. 125–127.

Also see pages 491–93 *post*.

Also see in this connexion the author's article entitled *The Location of the Sudder Nizamut Adalat in Bengal*, in the *Proceedings of Meetings*, Indian Historical Records Commission, Vol. XVII, December, 1940.

[1] Also spelt as 'Doroga-Audawlut.' See Regulation 7 in Appendix 16.

then carried into execution'. With respect to the proceedings of this Court a power of control was to be vested in the Chief (i.e., the President) and Council[1] (at Fort William) similar to what was to be vested in the Collectors in the Districts over the Phoujdarree Adalats, so that 'the Company's Administration in the Character of King's Dewan' might be satisfied that the 'Decrees of Justice on which both the Welfare and Safety of the Country so materially depend, are not injured or perverted by the Effects of partiality or Corruption'.

Fifthly, the Committee of Circuit proposed that, with a view to preserving 'the Dignity and Importance of the Two Superior Courts', there should be established 'Two Courts of adawlet' 'at the Seat of the Government (i.e., at Calcutta), exactly on the Same plan as those of the Districts'. A member of the Council (at Fort William) was to preside

[1] The expression 'the Chief and Council' here could not refer to any other persons than the President and Council at Fort William. Under the Plan for the Administration of Justice framed by the Committee of Circuit, the Sudder Nizamut Adalat was to be established at Calcutta, and, as we have already shown (see page 478 foot-note 2), it was actually established there. And at Calcutta, the expression 'the Chief and Council' could not mean any other persons than the President and Council at Fort William. If, however, it is argued that the expression meant 'the Chief and Council of Revenue at Moorshedabad', then our reply is that it could not have so meant. Our reason is as follows :

The Committee of Circuit agreed upon the Plan for the Administration of Justice at its meeting held at Cossimbazar on 15th August, 1772. But, as we have shown in detail elsewhere (see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 186–89), at a previous Consultation held at Cossimbazar on 28th July, 1772, the Committee of Circuit had resolved, among other things, that the Board (i.e., Council) of Revenue at Moorshedabad should be abolished, and that this resolution (along with others agreed upon on that day) should be immediately forwarded to the Council at Calcutta. As a matter of fact, on 15th August, 1772, the question of the abolition of the Council of Revenue was pending before the President and Council at Calcutta. In view of this, it cannot be reasonably held that by the expression 'the Chief and Council' the Committee of Circuit meant 'the Chief and Council of Revenue' at Moorshedabad.

(We may add here that in a letter, dated at Fort William 17th August, 1772, the President and Council (at Fort William) ordered the dissolution of the Council of Revenue at Moorshedabad, and that the Council of Revenue was actually dissolved on 8th September, 1772)—See page 478 foot-note 2; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 114–116 & 186–189; also the Moorshedabad Consultation of 8th September, 1772.

over 'the Dewannee' Court, and another member of the Council was to exercise the same kind of control over the Phoujdarree Court as was to be exercised by the Collector over the Phoujdarree Adalat in a district. These duties were to be performed by the members of the Council in rotation.

Sixthly, with a view to ensuring 'Access to Justice and Redress' free and easy, the Committee made the following interesting recommendation :—

'That as nothing is more conducive to the prosperity of any Country than a free and easy Access to Justice and Redress, the Collectors shall at all Times be ready to receive the Petitions of the Injured, and further to prevent their being debarr'd this Access from Motives of Interest partiality or Resentment in the Officers or Servants of the Cutcherry, that a Box shall be placed at the door of the Cutcherry in which the Complainants may lodge their Petitions at any Time or Hour they please: That the Collector shall himself keep the Key of this Box, and each Court day have such Arzies as he may find in it, read immediately in his Presence by the Arizbeggy of the Cutcherry.'[1]

Seventhly, in order to facilitate 'the Course of Justice in trivial Causes, and relieve the Ryot from the Heavy Grievance of travelling to a great distance to seek for Redress', the Committee proposed that all 'disputes of property not exceeding 10 Rupees' should be decided by the Head 'Farmer of the Purgunnah' to which the parties belonged, and that his decision should be final.

Eighthly, complete records of all causes heard were, under the proposed Plan for the Administration of Justice, to be 'kept in the Moffussil Dewannee' Adalat, and copies of them to be transmitted twice a month, to 'the Sudder Dewannee' Adalat, through the channel of the President and Council. Similarly, complete records of all cases were to be kept and transmitted from the Provincial Phoujdarree Adalat to the Sudder Nizamut Adalat twice a month, through the channel of the President and Council. The proceedings in 'capital trials', however, were to be so transmitted as soon as they

[1] See the 9th Regulation in Appendix 16.

were closed. The authority of the Provincial Phoujdarree Court was to 'extend to Corporal Punishment Imprisonment Sentencing to the Roads and Fines, but not to the Life of the Criminal'. In capital cases, the opinion of this Court together with all relevant proceedings, was to be transmitted to the Sudder Nizamut Adalat. On confirmation by the latter, it was to be 'ultimately referred to the Nazim for his Sentence', which was to be 'carried into immediate Execution' as indicated before.[1]

Ninthly, the Collector of each district was to keep 'an Abstract Register' of the proceedings of both the 'Dewannee' and the Phoujdarree Adalat in the district, and to transmit them twice a month to the Sudder Diwani Adalat and the Sudder Nizamut Adalat respectively.

Tenthly, the 'unlawfull and Oppressive' practice of individuals exercising 'a Judicial Authority over their debtors'—a practice which was 'a direct Infringement of the prerogative & Powers of the regular Government'—was to be forbidden, and all persons were to be directed 'to prefer their Suits to the established Court of Audawlut'. The Collector of every district was particularly to 'attend to this Regulation' which it was hoped would 'prove a great Means of Relief to the helpless Ryot from his Mercyless Creditor the Money Lender.'

Eleventhly, in all 'Cases of disputed Accounts Partnership, Debts, doubtfull (*sic*) or contested Bargains, nonperformance of Contracts and so forth', recommendation was to be made to 'the Parties to Submit the decision of their Cause to Arbitration, the Award of which' was to 'become a Decree of the Dewannee Adawlut'. The choice of the arbitrators was to rest with the parties concerned, but they were to decide the cause without any fee or reward. The Collector on the part of the Government was to afford 'every encouragement in his Power to Inhabitants of Character and Credit to become Arbitrators', but he was 'not to employ any Coercive Means for that Purpose'.

[1] See pages 481–82 *ante*.

Twelfthly, as the 'Litigiousness and perseverance of the Natives of this Country in their Suits and Complaints' was 'often productive not only of Inconvenience and Vexation to their adversaries, but also of endless Expence and Actual Oppression', the Committee suggested that there should be a Standing Rule to the effect that 'Complaints of so old a Date as 12 Years shall not be Actionable'. In justification of this recommendation, it said: 'By the Mahometan Law all claims which have lain dormant for 12 Years whether for Land or money, are invalid. This also is the Law of the Hindoos, and the legal practice of the Country'.

The Committee also recommended that the custom 'of levying Chowt[1], Dussuttra[2], Puchuttra[3], or any other Fee or Commission on the Amount of Money recovered, or Etlak on the decision of Causes as well as all heavy Arbitrary Fines' should be 'absolutely and for ever Abolished'.

Another important recommendation[4] of the Committee was:

'In all Suits regarding Inheritance, Marriage, Caste, and other religious Usages as (or ?) Institutions, the Laws of the Koran with respect to Mahometans and those of the Shaster with respect to Jentoos, shall be invariably adhered to; On all such Occasions the Mowlavies or Bramins shall respectively attend to expound the Law, and they shall sign the Report & assist in Passing the Decree'.

We may also note here the regulation which the Committee proposed for the suppression of dacoities (gang-robberies) in rural areas. It ran as follows[5]:—

'That whereas the peace of this Country hath for some Years past been greatly disturbed by bands of Decoits, who not only infest the high Roads, but often plunder whole Villages, burning the Houses and Murdering the Inhabitants: And Whereas these abandoned Outlaws have hitherto found means to elude every Attempt which the Vigilance of Government hath put in force for detecting and bringing such

[1] See Glossary. [2] See *ibid*. [3] See *ibid*.
[4] See Regulation 23 in Appendix 16.
[5] See the 35th Regulation in Appendix 16.

atrocious Criminals to Justice, by the Secrecy of their Haunts, and the wild State of the districts which are most Subject to their Incursions; it becomes the indispensable duty of Government to try the most rigorous Means, Since Experience has proved every lenient and ordinary Remedy to be ineffectual: that it be therefore resolved that every such Criminal on Conviction shall be carried to the Village to which he belongs and be there executed for a Terror and Example to others, and for the further prevention of such abominable Practices, that the Village of which he is an Inhabitant shall be fined according to the Enormity of the Crime & each Inhabitant according to his Substance, and that the Family of the Criminal shall become the Slaves of the State, and be disposed of for the General Benefit and Convenience of the People according to the Discretion of the Government.[1] '

[1] In justification of this rather extraordinary recommendation, the Committee of Circuit wrote to the Council at Fort William on 15th August, 1772, as follows :—

'We have judged it necessary to add to the Regulations with respect to the Courts of Fowjdarree, a proposal for the Suppression and Extirpation of Decoits which will appear to be dictated by a Spirit of Rigor and Violence very different from the Caution and Levity of our other Propositions, as it in some respect (*sic*) involves the innocent with the Guilty. We wish a milder Expedient could be Suggested but we much fear that this Evil has acquired a great Degree of its Strength from the Tenderness and Moderation which our Government has exercised towards these Banditti, Since it has interfered in the internal Protection of the Provinces.—We confess that the Means which we propose can in no wise be reconcileable to the Spirit of our own Constitution; but till that of Bengal shall attain the same Perfection, no Conclusion can be drawn from the English Law that can be properly applied to the Manners or State of this Country.—The Decoits of Bengal are not like the Robbers in England. Individuals driven to such desperate Courses by sudden Want.—They are Robbers by profession & even by Birth. They are formed into regular Communities and their Families subsist by the Spoils which they bring Home to them.—They are all therefore alike (crimin)al :—Wretches who have placed themselves in a State of declared War with Government, and are therefore wholly excluded from every Benefit of its Laws.—We have many Instances of their meeting Death with the greatest Insensibility. It loses therefore its Effects as an Example; But when executed in all the Forms and Terrors of Law, in the Midst of the Neighbours and Relations of the Criminal; when these are Treated as Accessaries to his Guilt, and his Family deprived of their Liberty and separated for ever from each other; every Passion which before served as an Incentive to Guilt, now becomes subservient to the

Lastly, the Committee proposed, in addition to the general regulations which it had suggested, that the Collectors of districts 'shall frame such subsidiary Ones for promoting the due Course of Justice and the Welfare and prosperity of the Ryots, as the local Circumstances of their respective districts shall point out & require, and that they shall report the same to the Committee of Circuit, in order to their being communicated to the Board[1] for their final Sanction and Confirmation'; that they[2] 'shall in particular and without delay regulate and transmit for Confirmation the Fees to be received by all Peons and Pikes employed in the Service of the Courts of Adawlut which can only be done with Accuracy from Information on the Spot'; and that they 'shall further establish such Rules with penalties Annexed as may serve effectually to eradicate the practice among the Officers and Servants of the Cutcherry of exacting and receiving Bri(bes) from the Parties who have Causes in Suit; A Practice n(ot) only Criminal in the Persons who are guilty of it but wh(ich) reflects discredit and Reproach on the Government under which they Serve'.

We have given above a brief summary of the 'Plan for the Administration of Justice' which the Committee of Circuit

purposes of society, by turning them from a Vocation in which all they hold dear besides Life becomes forfeited by their conviction.—At the same time their Families, instead of being lost to the Community, are made useful Members of it, by being adopted into those of the more civilized Inhabitants.—The Ideas of Slavery borrowed from our American Colonies will make every Modification of it appear in the Eyes, of our own Countrymen in England a horrible Evil—But it is far otherwise in this Country.—Here Slaves are treated as the Children of the Families to which they belong, & often acquire a much happier State by their Slavery than they could have hoped for by the Enjoyment of Liberty; so that in Effect the apparent Rigor thus exercised on the Children of convicted Robbers will be no more than a Change of Condition by which they will be no Sufferers, though it will operate as a Warning on others, and is the only Means which we can imagine capable of dissipating these Disperate (*sic*) and abandoned Societies, which subsist on the Distress of the general Community'.

See the Committee of Circuit's Letter to the Council at Fort William, dated at Cossimbazar 15th August, 1772, in the Proceedings of the meeting of the Committee, held at Cossimbazar on 15th August, 1772; also the Secret Consultation, Fort William, of 21st August, 1772; also Forrest, *Selections from the State Papers, etc., Vol. II, Warren Hastings*, pp. 282–89.

[1] I.e., the President and Council at Calcutta. [2] I.e., the Collectors.

'approved' at its meeting held at Cossimbazar on 15th August, 1772. It must be said in this connexion that, as the first attempt at the establishment of a judicial system for the province of Bengal, the plan, on the whole, does credit, as Mr Kaye[1] has rightly observed, to the 'infant administrators' of the Company here. The Committee also agreed at its meeting[2] held on 15th August, 1772, to transmit a copy of the plan to the Council at Fort William. Further, we find in the Proceedings of the meeting that the Committee enclosed[3] the plan in a letter to the Council, in which it stated, among other things :—

'We now Transmit to You the Result of our Deliberations on this Subject, in the enclosed paper, entitled "A Plan for the Administration of Justice"; And if it meets with Your Approbation, we wish to receive Your Instructions for carrying it into immediate Execution.

'For the Information of our Honble Employers it may be necessary to premise what You will readily perceive, that in forming the enclosed plan, We have confined ourselves with a Scrupulous Exactness to the constitutional Forms of Judicature already established in this Province, which are not only such as we think in themselves best calculated for expediting the course of Justice, but such as are best adapted to the Understandings of the People. Where we shall appear to have deviated in any respect from the known Forms, our Intention has been to recur to the original principles, & to give them that Efficacy of which they were deprived by venal and arbitrary Innovations, by partial Immunities granted as a Relief against the general and allowed abuse of Authority, or by some radical Defect in the Constitution of the Courts in being—And these Changes we have adopted with the less Heritatition[4] (*sic*) as they are all of Such a nature as we are morally certain will prove both of general Satisfaction and general Ease to the people . . . . .

[1] See Kaye, *The Administration of the East India Company*, 1853, p. 328.

[2] See the Proceedings, Committee of Circuit, Cossimbazar, of 15th August, 1772; also Appendix 16.

[3] See *ibid.*

[4] Hasitation (?).

'It has also been our Aim to render the Access to Justice as easy as possible'.

The Committee also said in its letter:

'By keeping exact Records of all judicial proceedings it is hoped that these Institutions, if they receive the Sanction of Your Approbation, will remain free from the Neglects and Changes to which they would be liable from a less frequent Inspection'.

At a Secret Consultation held at Fort William on 21st August, 1772, the Council 'attentively considered' the 'Plan for the Administration of Justice' as transmitted to it by the Committee of Circuit, and agreed to give its 'Assent to its being carried into Effect, in the following Letter'—

'To

the Honble Warren Hastings Esqr

Governor & Gentlemen of the Committee of Circuit.

Honble Sir & Sirs

We have been favored by the Receipt of Your Letter enclosing your Deliberations on the subject of the Magistracy of the Province of Bengal which we have perused with the Attention that a Matter of so much Weight and Consequence requires.

As it appears to us to open a Prospect for the Relief of the Inhabitants of this Country, We most readily give our Consent to its being carried into Execution Leaving to Time and Experience to point out the necessity if any of making alterations and Improvements in the present Plan.

Fort William We are, etc. . . . . .'

21st August 1772.

And it appears from the Council's letter[1] to the Court of Directors, dated at Fort William 3rd November, 1772, that it communicated[2] to the latter, along with the letter, a copy of

[1] See the General Letter (Revenue Department) to the Court, dated at Fort William, 3rd November, 1772.

[2] Some intimation in regard to 'the Establishment of a regular Administration of Justice throughout the Province' appears to have been previously sent to England by Hastings in his letter to the Secret Committee of the Court of Directors, dated at Cossimbazar 1st

the Plan for the Administration of Justice, and also informed it that the plan had met with its approbation. Further, it wrote to the Court therein that the plan had been based 'on the plain Principles of Experience and common Observation, without the Advantages which an intimate Knowledge of the theory of Law might have afforded' to it; but that it had endeavoured to adapt the regulations embodied in the plan 'to the Manners and Understanding of the People, and Exigencies of the Country, adhering, as closely as We were able, to the ancient Usages and Institutions'.

The actual decision to establish the two superior, as well as the two inferior, Courts of Justice at Calcutta, as recommended by the Committee of Circuit in its 'Plan for the Administration of Justice', was taken by the Council at its Consultation[1], held at Fort William on 15th December, 1772, in pursuance of a resolution[2] adopted by it on 24th November, 1772. Further, necessary appointments[3] for

September, 1772. And the Court wrote to him in reply on 16th April, 1773:—

'1. We have received by the Nottingham your Letter addressed to our Secret Committee, dated at Cossimbazar, the 1st September 1772; informing us of the Measures you had adopted for carrying into Execution the orders of the Secret Committee, dated 28th August 1771, and of the Arrangements and Regulations which you deemed necessary for the *public Peace* and Welfare of the Provinces. . . . . . they (i.e., the Proceedings relating to those measures) appear to us in the most favourable Light. . . . . . .' (The italics are ours). *Vide* Appendix 4 to 'the Fifth Report from the Committee of Secrecy, appointed to Enquire into the Causes of the War in the Carnatic', etc. (printed in the year 1782).

[1] See the Consultation, Revenue Department, Fort William, of 15th December, 1772.

[2] See *ibid*; also the Consultation, Revenue Department, Fort William, of 24th November, 1772.

[3] The establishment of the Sudder Diwani Adalat was to consist of the President and Council of Revenue (at Fort William), the Roy Royan, the (then) two 'Head Canongoes with their Deputies, and other officers of the Khalsa Cutcherry', two 'Pundits or Brahmins', one Peshkar, one 'Persian Mohrir' (clerk), two 'Bengali Mohrirs' (clerks), the 'Nazir of the Khalsa and his Peons' etc.

The establishment of the Sudder Nizamut Adalat was to consist of one Daroga or Chief Justice (Sudder ul Huq Cawn), one 'Head Cauzee' (also designated 'Cazee ool Cazat'), the then 'Head Muftie', three Moulavies, two 'Persian Writers', a 'Naib on the part of the Nazir of the Khalsa', etc.

—See the Consultation, Revenue Department, Fort William, of 15th December, 1772

these Courts were also made at this Consultation. Moreover, the Council decided at this meeting to appoint two Pundits for the Sudder Diwani Adalat. They were to receive a monthly salary. Their opinion on points of Hindu law was, when they would agree, to be received as 'definitive'; but a third Pundit was 'to be occasionally chosen as an Umpire' when they would differ. And in its letter[1], dated at Fort William 6th January, 1773, the Council wrote to the Court of Directors: 'In our former Address[2] of this Season, we had the Honor to lay before You a Plan for the better administra tion of Justice throughout the Country, and for forming Judicial Courts in each Province, from whose Decrees an Appeal should lay (*sic*) immediately to Calcutta. We have since established[3] the Courts of Justice at the

[1] See the General Letter (Revenue Department) from the President and Council, Bengal, dated at Fort William 6th January, 1773. It was sent by the *Prince of Wales* and received in England on 18th August, 1773.

[2] This obviously refers to the General Letter (Revenue Department) from the President and Council, Bengal, dated at Fort William 3rd November, 1772, and to its enclosures. This letter had been sent by the *Lapwing*, and received in England on 17th April, 1773.

[3] The word 'established' here is not very clear. Does it mean the decision to establish the Courts, taken by the Council at its Consultation (Revenue Department) held on 15th December, 1772 (see page 490)? Probably it does. Because we find in a letter (para. 12) of the Council, dated at Fort William 25th March, 1773, to the Court of Directors that 'the Court of the Dewannee Sudder Adawlut' was opened on '18th'* March, 1773. The relevant portion of the letter is as follows :—

'12. In consequence of a Resolution taken at our Meeting of the 9th Instant, We on the 18th* Instant opened the Court of the Dewannee Sudder Adawlut where several Appeals were lodged from the Provincial Courts'.

See the Council's Letter (Revenue Department) to the Court of Directors, dated at Fort William 25th March, 1773. (This letter was sent by the *Hector* and received in England on 9th October, 1773).

* There is some difficulty, however, in regard to the actual date of the first opening of the Sudder Diwani Adalat. According to the extract from the Council's letter to the Court, dated 25th March, 1773, which we have quoted above in this foot-note, the date was 18th March, 1773. But as will appear from the following Resolution of the Council referred to in the extract—it was the first of a series of Resolutions adopted by the Council on the question of the Sudder Diwani Adalat, on 9th March, 1773—the date was to be 17th March, 1773 :—

'Several Appeals from the Decrees of the Provincial Courts of Adawluts having been lately preferred

Presidency.[1] The Nizamut for the trial of high crimes, and the Sudder Dewanny for hearing Appeals in Causes of Property. The former has been fixed at *this place*[2] agreeably to our original Intention for confirming the Decrees of the inferior Provincial and Criminal Courts (*sic*), and the greatest Care has been taken in selecting Persons the most able and con-

'The Board are Agreed in the following Resolutions

'1st Resolved that the Court of Sudder Dewanee Awdalut be convened *for their first sitting on Wednesday the 17th instant* at the Khalsa Cutcherry and that as many of the Members of the Council as conveniently can, do attend to *open* the said Court and *to begin* upon the Examination of such appeals as are now depending'. (The italics are ours).—See the Consultation, Revenue Department, Fort William, of Tuesday, 9th March, 1773; also the 'Revenue Department. O. C. No. 1, dated 9th March, 1773'.

It may, perhaps, be of some interest to the reader to quote in this connexion the other resolutions of the Council on the question of the Sudder Diwani Adalat, as adopted by it at its meeting held on 9th March, 1773. They were as follows:—

'2d Resolved that as well to defray the Charges of the Court as to restrain Litigiousness a Fee of 5 Pr Cent shall be paid when the Petition of Appeal is delivered exclusive of such damages as the Court in particular Cases may think proper to adjudge to the Respondents as a Compensation for the detriment they may have sustained from Vexatious or Groundless Appeals.

'3d Resolved that all petitions of Appeal shall be delivered and recorded in the Mofussil or Provincial Court in which the decree has passed within ten days after the date of the Decree But in Case the appellant shall chuse to carry his Appeal to the Sudder Adawlut he shall be allowed to appeal to the Sudder Adawlut within two months from the date of the Decree that no Appeals delivered in after the above period shall be received that notwithstanding the Appeal the Decree of the Mofussil Adawlut shall be carried into immediate Execution unless the Appeal be declared in Court on the same day in which the Decree was passed, but that the Appeal shall not be transmitted to the Sudder Adawlut nor shall the fine be exacted until the Expiration of Ten days from the date of the decree and that it shall be permitted for the appellant to withdraw his appeal within that time.

'4th That Mr George Bogle be appointed Register of the Sudder Adawlut and that he be allowed such a Proportion of the 5 Pr Cent Fee for his Attendance as shall be hereafter adjudged him.

'5th That the 1st 2nd & 3rd of these Resolutions be published by advertisements at the Presidency that they be transmitted to the Collectors with orders to carry them into Execution and to publish them by Advertisements affixed to the Cutcherries of their Districts: that they be also directed to specify on the Copy of every decree issued from the Provincial Adawlut the day on which the same was delivered to the party concerned.'

—See the Consultation (Revenue Department), Fort William, of 9th March, 1773.

[1] I.e., at Fort William. The italics are ours.

[2] I.e., at Fort William. The italics are ours.

versant in the Mahometan Laws to sit as Judges in this Court. Their Appointment has been confirmed by Sunnuds from the Nabob for the sake of preserving the ancient and constitutional Forms of the Country Government and their Sentence in Capital Cases will be transmitted to him for a Warrant for Execution'. 'At another Period', the Council further observed, 'the Continuance of these Forms might have been considered as too great a concession to the Nabob and a dangerous Acknowledgement of his Superiority but these objections can have no Weight at present, as the Nabob is entirely under the Controul of the Government, and in case any Inconvenience should be found to arise from it, the Institution may be easily altered'.

We may also notice here the step which the Council at Fort William took in 1773, at the instance of Governor Hastings, with a view to ensuring a proper administration of criminal justice. It appears from the Proceedings of a meeting[1] of the Council (Revenue Department), held at Fort William on 3rd August, 1773, that the Governor (Hastings)[2] had written[3] to the Council a letter[4] in which he had first stated, among other things:

'As the decrees of the Sudder (Nizamut) Adawlut in its first proceedings were likely to become a precedent for all future cases to which they might be applied I was at some

[1] Presided over by Mr William Aldersey.

[2] It appears from the Proceedings of a meeting of the Council (Revenue Department), held at Fort William on 19th April, 1774, that the Council had previously 'thought proper to commit the superintendence of the Courts instituted for the Trial of offences against the public Peace' to the special care of the President and Governor of Fort William (Warren Hastings).—Also see O. C., Revenue Department (Fort William), No. 24, dated 19th April, 1774.

[3] See the Consultation, Revenue Department, Fort William, of Tuesday, 3rd August, 1773; also Monckton Jones, *Warren Hastings in Bengal, 1772-1774*, pp. 329-30.

[4] This letter, which had been actually addressed to 'William Aldersey Esqr Etc., Council of Revenue, Fort William', is, as recorded in the Proceedings of the meeting of the Council (Revenue Dept.), held at Fort William on 3rd August, 1773, without any date. According to Colebrooke (*Supplement to the Digest of the Regulations and Laws*, etc., 1807, pp. 114–119) and Harington (*An Analysis of the Laws and Regulations*, etc., Vol. I, 1821, p. 301), however, the letter had been dated 10th July, 1773. Harington seems to have based his view on this point upon that of Colebrooke.

Pains, and employed much Time in revising them in the Presence of the Daroga[1]. Such of its decrees as appeared to me disproportionate to the offences committed, or liable in their Effects to prove hurtful to the Peace and good order of Society. I ventured to recommend to the Court for their Reconsideration (*sic*). The Proceedings were returned to me, some with the former Sentences confirmed and others with the different Interpretations of the Law annexed to them. They were accordingly transmitted to the Nabob by the Daroga of the Adawlut and accompanied by a Letter from myself requesting that he would affix his Warrant to them without more delay. At the same time I sent to Mr Middleton an Abstract of the Proceedings with my own Opinion and remarks upon each, and desired him to communicate them to the Begum[2], before the Sentences should receive the Nabobs Warrant for their Execution .... '

'On my arrival at Moorshedabad', the Governor had further said in his letter, 'I made immediate enquiry concerning the Proceedings which had been transmitted to the Nabob. I learnt that he had not yet affixed his Warrant to them, but waited for that purpose till my Arrival, not chusing to confirm such of the decrees as I had objected to without consulting with me upon the Subject, nor to give any Judgment different from them, being advised not to deviate from the Law, to which the first decrees were conformable. I desired that he would follow the advice which was given him, and immediately sign the decrees, He did so, and I left them in the hands of Sudder at the Cawn, the Daroga[3] who had accompanied me to the City with strict injunctions to cause them to be carried into immediate Execution, referring him to Mr Middleton[4] in case he should stand in need of any aid from his Authority'.

[1] I.e., the President or Chief Justice of the Sudder Nizamut Adalat.

[2] I.e., Munnee Begum, widow of the late Nabob Jaffier Ally Cawn (Mir Jafar) and the guardian of the then Nawab.

[3] I.e., Sudder Ul Huc Cawn, the Daroga (or President or Chief Justice of the Sudder Nizamut Adalat).

[4] I.e., Mr Samuel Middleton, Resident at the Durbar.

Hastings had also felt at this time that the Muhammadan criminal law then in force was, 'founded' as he had thought it to be 'on the most lenient principles, and an abhorrence of bloodshed', either defective in some respects, or deficient in others. He had, therefore, submitted[1], in the form of 'Queries' for its 'determination', to the consideration of the Council at Fort William, several points, 'upon which', to quote the words of Harington[2], 'the Mohummudan (criminal) law, or the dispensation of it by the (then) existing courts of judicature, had been found repugnant to the principles, or inadequate to the ends, of justice'. He had also 'annexed' to each query his own 'Opinion' thereon. But, at the same time, he had, as we shall shortly see, written[3] to the Council—

'Whatever your determination shall be regarding them (i.e., the queries) I shall most readily acquiesce in and shall give my heartiest assistance to its effectual Execution'.

We shall, for want of space, refer here only to five[4] of his queries, and to his own views in regard to them.

In the first place, Hastings had inquired[5]—

'Whether the Fettwa,[6] or decree of the Nizamutt Adawlut, after it shall have received the confirmation of the Nazim, shall be carried into Execution precisely on the Terms of his Warrant, or Whether this Government[7] shall interfere in adding to, or commuting, the Punishment in cases wherein it shall appear inadequate to the Crime or ineffectual as an Example'.

Hastings's own view was—

'Although we profess to leave the Nazim the final

[1] See Hastings's letter already referred to, recorded in the Proceedings of the meeting of the Council (Revenue Department), held at Fort William on 3rd August, 1773; also Colebrooke, *Supplement to the Digest*, etc., pp. 114–119; also Harington, *An Analysis of the Laws and Regulations*, etc., Vol. I, pp. 301–305; also Monckton Jones, *Warren Hastings in Bengal*, 1772–1774, pp. 329–334.

[2] See Harington, *An Analysis of the Laws aud Regulations*, etc. Vol. I, p. 301.

[3] See the sources referred to in foot-note 1 above.

[4] See *ibid* for the rest. [5] See *ibid*. [6] Futwa.

[7] Obviously, this means the Company's Government in Bengal; that is to say, the President and Council at Fort William.

Judge in all Criminal cases, and the Officers of his Courts to proceed according to their own Laws, Forms, and opinions, independant (*sic*) of the Controul of this Government, yet many cases may happen, in which an invariable observance of this Rule may prove of dangerous Consequence to the Power by which the Government of this Country is held, and to the Peace and Security of the Inhabitants. Wherever (Whenever ?) such cases happen the Remedy can only be obtained from those in whom the Sovereign Power exists. It is on these that the Inhabitants depend for Protection, and for the Redress of all their Grievances, and they have a right to the accomplishment of this Expectation, of which no Treaties nor (Casuistical) distinctions can deprive them. If therefore the Powers of the Nizamut cannot answer these salutary Purposes, or by an Abuse of them, which is much to be apprehended from the present reduced state of the Nazim, and the little Interest he has in the general Welfare of the Country, shall become hurtful to it, I conceive it to be strictly conformable to Justice and Reason to interpose the Authority or Influence of the Company, who as Dewan have an Interest in the Welfare of the Country, and as the governing Power, have equally a right and obligation to maintain it, I am therefore of opinion that wherever (whenever ?) it shall be found necessary to supersede the Authority of the Nazim to supply the deficiencies or to correct the irregularities, of his Courts, it is the duty of this Government to apply such means as in their Judgment shall best promote the due course of (and ?) ends of justice; but that this License ought never to be used without an absolute Necessity, and after the most solemn deliberation.

'In many Cases it may not be difficult to obtain the Nabobs Warrant for such deviations from the ordinary Practice, as may be requisite, and if (?) it were to be wished, that they could be always enforced by his Authority, but I see so many ill consequences, to which this would be liable, both from his Assent and from his Refusal, that I am rather inclined to propose that every Act of this kind be superadded to his Sentence by our own Government.

'Although this is my opinion upon the Question as it respects the rights of Justice and the good of the People, I am sorry to add that every Argument of personal Consideration strongly opposes it, having but too much Reason to apprehend that while the popular Current prevails which over-runs every Sentiment of Candor towards the Company and its Agents, it will be dangerous both to our Character and Fortunes to move a Step beyond the plain and beaten line and that laudable as our Intentions were we have already done too much.

'My Duty compells me to offer the advice which I have given, and to that I postpone every other Consideration'.

Secondly, Hastings had asked[1]—

'Whether the Punishment decreed by the 35th Article[2] of the judicial Regulations formed by the Board[3] shall be carried into Execution without the Sentences of the Court of Adawlut[4], or the warrant of the Nazim, and in what manner?'

And his own view was—

'Upon this Question I have already declared my Opinion[5] in the Affirmative. I would recommend that

[1] See the references in foot-note 1 on page 495.
[2] See pages 485-86 *ante*; also Appendix 16.
[3] I.e., the Council at Fort William.
[4] In Harington's *Analysis*, etc., Vol. I. p. 304, the words are—'without the sentiments of the nizamut adawlut'.
[5] Hastings had stated in the earlier part of his letter from which we are taking these extracts:—

'The term *decoit*, in its common acceptation, is too generally applied to robbers of every denomination; but properly belongs only to robbers on the highway, and especially to such as make it their profession, of whom there are many in the woody parts of the district of Dacca, and on the frontiers of the province; a race of outlaws who live, from father to son, in a state of warfare against society; plundering and burning villages and murdering the inhabitants. These were intended by the Board, in the 35th article of their judicial regulations, which declares that all such offenders shall suffer death, and their families be condemned to perpetual slavery. Severe and unjust as this ordinance may seem, I am convinced that nothing less than the terror of such a punishment will be sufficient to prevail against an evil, which has obtained the sanction and force of hereditary practice, under the almost avowed protection both of the zemindars of the country, and the first officers of the Government'.

every Case, to which this Ordinance[1] may be applied, be laid before the Board[2], and their Sanction obtained for its being carried into execution. I submit it to their consideration, whether it may not be expedient to appoint some Office which shall have it in special Charge to record such extraordinary Proceedings, to prepare them for the Judgment of the Board, and to execute their Orders upon them'.

Thirdly, Hastings had enquired[3]—

'Whether the privilege granted by the Mohummudan law to the sons or nearest of kin, to pardon the murderers of their parents or kinsmen, shall be allowed to continue in practice . . . . ?'

His own opinion was—

'This law, though enacted by the highest authority which the professors of the Mohummudan faith can acknowledge, appears to be of barbarous construction, and contrary to the first principle of civil society, by which the state acquires an interest in every member which composes it, and a right in his security . . . . If the *Nazim* cannot be influenced to abolish totally this savage privilege, which we know is not universally admitted; or the courts of justice to diffuse it; I am of opinion that the Government[4] should

Also—

'It is . . . . . . necessary and conformable to custom, for the sovereign power to depart in extraordinary cases from the strict letter of the law . . . . I offer it therefore as my opinion, that the punishments decreed by this Government against professed and notorious robbers be literally enforced; and where they differ from the sentences of the adawlut, that they be superadded to them by an immediate act of Government; that every convicted felon, and murderer, not condemned to death by the sentence of the adawlut, and every criminal who has been already sentenced either to work during life upon the roads, or to suffer perpetual imprisonment, be sold for slaves, or transported as such to the Company's establishment at Fort Marlborough; and that this regulation be carried into execution by the immediate orders of the Board, or by an office instituted for that purpose in virtue of a general order or commission from the *Nazim*'.—See Harington, *An Analysis*, etc., Vol. I, pp. 301–2; also the Consultation, Revenue Department, Fort William, of 3rd August 1773; also Colebrooke, *Supplement to the Digest*, etc., pp. 114–119.

[1] I.e., the 35th Judicial Regulation.

[2] I. e., the Council at Fort William.

[3] See the references in foot-note 1 on page 495.

[4] Obviously, the expression means here the President and Council of Fort William.

interfere, by its own authority, to prevent its taking effect, by causing the sentence to be executed, without leaving an option in the children or kinsmen to frustrate it by their pardon'.

Hastings's next query had been[1]—

'Whether the law which enjoins the children, or nearest of kin to the person deceased, to execute the sentence passed on the murderers of their parents or kinsmen, on account of its tendency to cause such crimes to pass with impunity, shall be permitted to continue, or whether it shall not be abolished by a formal act of Government?'

And his own view on this query was[2]—

'This law, supposed to be of the same divine original, is yet more barbarous than the former; and in its consequences more impotent. It would be difficult to put a case, in which the absurdity of it should be more strongly illustrated, than in one now before us, of a mother condemned to perish by the hands of her own children for the murder of her husband. Their age is not recorded, but by the circumstances, which appear in the proceedings, they appear to be very young. They have pardoned their mother. They would have deserved death themselves, if they had been so utterly devoid of every feeling of humanity, as to have been able to administer it to her who gave them life. I am of opinion, that the courts of justice should be interdicted from passing so horrid a sentence, by an edict of the Nazim, if he will be persuaded to it; by the Government[3], if he refuses'.

Lastly, Hastings had enquired—

'Whether the Fines shall be paid to the Nazim, or taken by the Company as Dewans (*sic*) or whether they shall not be set apart for the Maintenance of the Courts and Officers of Justice, and for the restitution of the Losses sustained by the Inhabitants from Decoits or Thieves?'

[1] See the references in foot-note 1 on page 495.
[2] See *ibid*.
[3] Obviously, the expression means here the President and Council at Fort William.

His own opinion was—

'It may be dangerous to admit of such a Right in the Nazim. It cannot be better or more equitably employed, than for the Uses expressed in the concluding Terms of the Question'.

In conclusion, Hastings had stated in his letter—

'Although it was incumbent upon me to deliver my own Opinion upon the above References, while I requested that of the Board, I have offered it with diffidence, and with some Reluctance, knowing the Objections to which every kind of Innovation is liable, but more especially in the established Laws, or Forms of Justice. But I conceive, that the Points which I have offered to your Consideration will be found, in reality, not so much to regard the Laws in being, as the Wants (*sic*) of them, a Law which defeats its own Ends and Operation being scarce better than none. Whatever your determination shall be regarding them I shall most readily acquiesce in and shall give my heartiest assistance to its effectual Execution'.

At a Consultation[1] (Revenue Department), held at Fort William on 31st August, 1773, the Council considered Governor Hastings's letter[2] as entered in the Proceedings of its meeting[3] of 3rd August, 1773, and expressed the following view in regard to the references made to it therein by the Governor[4] :—

'The Board are fully sensible of the justness and propriety of the Presidents remarks upon the Criminal law of this Country their sentiments in general coincide w^th^ his and they are equally convinced with him of the absolute necessity that a power should exist to controul & superintend the sentences of the Mahometan Judges; and where the Letter of the Law appears clearly repugnant to the principals

[1] Presided over by Mr Philip Milner Dacres. The two other members present at this Consultation were Messrs Henry Goodwin and John Graham. Mr William Aldersey, Acting President, was indisposed.

[2] See pages 495–500. [3] Revenue Department.

[4] See the Consultation, Revenue Dept., Fort William, of Tuesday, 31st August, 1773; also Harington, *An Analysis of the Laws & Regulations*, etc., Vol. I, p. 305

(principles ?) of good Government & common sense tc apply such a remedv as the case may require, for without this Interposition it is evident from the Instances given by the President that the most atrocious Criminals might Escape with impunity by means of a precaution in the manner of perpetrating the Crime, by the Priviledge (*sic*) enjoyed by Individuals of remitting the Punishment and by the many nice Distinctions which the Expounders of the Coran, have introduced—In order to prevent these abuses, and to provide a remedy for extraordinary Evils the sovereign power, in every Mahometan State, has reserved to itself the right of interposing with its Authority and of issuing such mandates as are evidently necessary for the benefit of society; and for that personal security which every Member of a Community is entitled to. In this Country it has not only been the Custom, but seems to be a maxim interwoven in the Constitution, that every case of Importance, where the precise Letter of the Law would not reach the root of the Evil, should be submitted to the Judgement of the Hakim, for rules of the Country[1] by an Express reference added to the sentence.

'In a point however of so delicate & important a nature the Board would wish to reconsider it with the benefit of the presence & counsels of the president and be furnished with the fullest information before they come to any determinate resolution. They are sensible of that difficult situation in which they are placed & would wish with the President, that where a deviation from the strict Letter of the Law becomes indispensable that it could be enquired into by officers appointed by the Nazim, and enforced by his Warrants'.

Further, the Council agreed to address the following letter[2] to Governor Hastings:

'We have had the honor to receive your letter, on the Criminal law of this Country, which has lain sometime, before the Board; and we have bestowed upon it the

[1] In Harington (*Analysis*, etc., Vol. I, p. 305), the wording is :— *Hakim*, or ruler of the country.

[2] See the Consulation, Revenue Department, Fort William, of Tuesday, 31st August, 1773.

Consideration due to so important a subject, we are fully sensible of the Justness and propriety of your Remarks; and our sentiments in general coincide with yours, from the Instances you give of the Defects of the Mahometan Law, and from the established practice of this Country, there appears an absolute necessity that a power should exist to revise the proceedings of the Criminal Courts, and where the Letter of the Law is clearly repugnant to the principals (principles?) of good Government and common sense, to apply such a remedy as the case may require, but before we come to any final resolution on a point of so delicate and important nature; we would wish to be furnished with the fullest information and to be assisted by your presence and Counsel; We beg leave therefore to recommend it to you during your stay at the City on your return to (from?) the presidency to endeavour to collect the sentiments of the Nabob and his Officers on this subject (*sic*); which we propose to resume when yourself & the absent Members rejoin us.

Fort William
31st Augst, 1773. We are, etc.'

And we next find in the Proceedings of a meeting[1] of the Governor and Council (Revenue Department), held at Fort William on 23rd November, 1773 :—

'The President (i.e., Warren Hastings) acquaints the board (i.e., the Council), that, in Conformity to their Sentiments intimated to him in their Letter of the 31st August He applied to the Begum[2] on his return to the City of Moorshedabad for her consent to the appointment of a Person who should reside in Calcutta on the part of the Nabob with powers to affix the seal of the Nazim, and the signature on his behalf to the Warrant(s) issued for the Execustion (Execution?) of the sentences of the Najamut (Nizamut) Adaulut for preventing the delays which attended the mode

[1] Presided over by Governor Hastings. See the Consultation, Revenue Department, Fort William, of 23rd November, 1773; also Colebrooke, ***Supplement to the Digest of the Regulations and Laws enacted by the Governor-General in Council***, 1807, pp. 119-20.

[2] I.e., Munnee Begum, widow of Nawab Jaffier Ally Cawn (Mir Jafar) and the Guardian of the then Nawab.

hitherto in practice of transmitting the Futwas of the Court to the Nabob for his warrant and signature as Also the ill use which might be made of it during the Nabob's minority by the influence of those who are about his Person; that the Begum approved of the Proposal, and has since at his recommendation nominated the present Daroga[1] of the Adaulut, Sudder-ul-Huck-Cawn to this charge, and has sent him a Sunnud to that effect and the great Seal of the Nejamut. These he now lays before the Board, and hopes they will approve of this Appointment. An Additional Salary will be expected, and indeed will be necessary to give that Credit and Dignity to the office which its Importance demands to support it in the Opinions of the Public. The amount He refers to their (i.e., the Council's) determination with report (respect ?) to the Appointment he begs Leave to remark that it will not only prevent the Delays and Abuses which where (were or are ?) likely to arrise (*sic*) from the practice of sending the Sentences of the Adawlut to the Nabob for his Confirmation and Warrant *but will give the Board an entire Controul over this Department and enable them both to revise sentences of the Officers of the Adawlut and to Correct the Imperfections of the Mahometal Law by the Warrants of the Nazim which will now pass under their immediate Inspection*'[2].

We also find in the same[3] Proceedings that the Council adopted the following resolutions after hearing the Governor:—

'Resolved that we do approve of this institution, and the nomination of Sudder-ul Huck-Cawn to the Neabut of this branch of the Nizamut and that he be in consequence allowed 500 Rupees per month in addition to his present salary as Daroga of the Nizamut Adaulut.

'Resolved that the Seal be delivered to the Naib, and that the President be requested to superintend him in the

[1] In the Ms. the word is: "Kajee."

[2] The italics are ours.

[3] *Vide* the Consultation, Revenue Department, Fort William, of 23rd November, 1773; also Colebrooke, *Supplement to the Digest*, etc., 807, pp. 119-20.

exercise of this office, as well in revising Sentences of the Adawlut as in passing the warrants and affixing the Seal'.

We have described above the circumstances which led to the appointment at Calcutta of a Deputy for the Nawab, for the objects set forth in Governor Hastings's statement made before a meeting of his Council[1] on 23rd November, 1773. And in justification of this innovation made by it with a view to a better administration of criminal law which, strictly speaking, did not come within the scope of the Company's functions as Diwan, the Council at Fort William wrote to the Court of Directors on 15th March, 1774[2] :—

'Although the execution of the penal Laws in this country is professedly the province of the Nabob and therefore (we ?) wish'd as much as possible to avoid any apparent interposition on this subject yet the importance of a steady and vigorous execution of Justice, to the peace and security of the people and the consideration of the youth and Inexperience of the nabob (i.e., Mubarek-ud-Dowla), which exposed him to an improper influence from the officers of his Court, has rendered it necessary that we should superintend this department of Government according to the institution of the Courts for the trial of criminals. Their proceedings are transmitted, and pass under the revisal of the Supreme Court in Calcutta (i.e., the Sudder Nizamut Adalut[3] *at this time*), to whom it belongs to pass sentence in all capital cases which is afterwards laid before the nabob for his Warrant of Execution'.

'This process', the Council observed, however, 'from the negligence or artifices of the servants of the nabob gave occasion to so many delays, that the Prisons were filled with criminals and the suspension of Justice gave encouragement to Crimes, at the same time that it was impossible with the utmost vigilance to trace every obstacle to its source, or to remove it by repeated application to the Nabob and the Begum' (i.e., Munnee Begum, guardian of the Nawab).

[1] In its Revenue Department.—See pp. 502-503.

[2] See the President and Council's Letter (Revenue Department) to the Court of Directors, dated at Fort William 15th March, 1774.

[3] See page 478 *ante*.

'To remedy these evils', the Council added, 'no expedient appeared so effectual as that recommended by the President for the Appointment of a Deputy on the part of the Nabob who should reside in Calcutta, in order to sign and expedite the warrants in his name, and Sudder ul Huq Cawn the President[1] of the supreme Mahomedan Court, has been invested on the President's recommendation with the necessary powers from the Nabob, for this purpose. This appointment together with the attention of the President, *to whose charge the controul and revision of this department has been solely entrusted*[2], is likely to restore the prompt and vigorous administration of Justice'.

In regard to the inferior Courts of Justice which it had, as we have seen before, decided to establish at Calcutta and about which we shall have an occasion to speak further later on[3], the Council had stated in its letter, dated at Fort William 6th January, 1773[4], that they had been 'formed as nearly as Circumstances would admit on the Model of those in the Provinces[5], with the Addition of some Officers which the Extent and Importance of their Jurisdiction required'. The Council had also remarked therein[6]: 'The establishment of these several Courts, and the Regulations[7] We have circulated throughout the Country, will We hope be productive of the desired Effect, by introducing by degrees

[1] I.e., Sudder Ul Huq Cawn, the Daroga or Chief Justice of the Sudder Nizamut Adalat. See page 490, foot-note 3.

[2] The italics are ours. [3] See pages 532–40 *post*.

[4] See the General Letter, Revenue Dept., to the Court of Directors dated at Fort William 6th January, 1773.

[5] I.e., in the districts. See page 477.

[6] See the General Letter, Revenue Department, to the Court of Directors, dated at Fort William 6th January, 1773.

[7] Obviously, reference here is to the Regulations contained in the 'Plan for the Administration of Justice' already described, together with the relevant Revenue Regulations (i.e., the Regulations relating to the settlement and collection of revenues) which the Controlling Committee of Revenue at Fort William had adopted on 14th May, 1772. For the latter Regulations, see the Proceedings of the Controlling Committee of Revenue, Fort William, of 14th May, 1772; also O.C. No. 2, of 14th May, 1772, Revenue Dept.: Controlling Committee of Revenue, Fort William; also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. 1, 1765–72, pp. 157–169.

a general System of free and impartial Justice but this must be the Work of Time'.

A Code of Hindu and Muhammadan Laws. We may note in this connexion the step which the President and Council took, early in the year 1773, to compile a code of Hindu and Muhammadan laws, for the purpose of ensuring a better administration of justice to Hindus and Muhammadans. It appears from a letter[1] (para. 12) which the President and Council wrote to the Court of Directors on 25th March, 1773, that at the first sitting of the Sudder Diwani Adalat, held on the '18th'[2] of March, 1773, the 'Members' of this 'Court'[3] had felt that, 'in order to render more compleat the Judicial Regulations, to preclude Arbitrary and partial Judgements, and to guide the Decisions of the several Courts, a well digested Code of Laws compiled agreably (*sic*) to the Laws and Tenets of the Mahomedans and Gentoos, and according to the established Customs and Usages in Cases of the Revenue, would prove of the greatest public Utility'. The Court had, therefore, 'resolved[4] that such a Code should be prepared, and properly digested, and . . . . . accordingly appointed, fit Persons to execute this Work, by 3 district Commissions, Two consisting of the present Officers of the Two Sudder Adawluts (or Supreme Courts of Justice) and a Third of Ten of the most learned Pundits, or Expounders of the Gentoo Law'. 'We are aware', added[5] the President and Council in their letter, 'that it will be a Work of Time, but as when compleated it promises to contribute essentially to the Security of the

[1] See the President and Council's letter (Revenue Department) to the Court of Directors, dated at Fort William 25th March, 1773, para. 12. The letter was sent by the ship *Hector*, and received in England on 9th October, 1773.

[2] In regard to this date, see foot-note 3 on page 491 *ante*.

[3] For the personnel of the Court (Sudder Diwani Adalat), see page 481 *ante* or Regulation 6 in the 'Plan for the Administration of Justice' in Appendix 16.

[4] See the President and Council's letter (Revenue Department) to the Court of Directors, dated at Fort William 25th March, 1773 para. 12.

[5] See *ibid*,

Property and Person of the Subjects, We shall spare no pains to see it accomplished'.[1]

The only noticeable change in the organization of the new judicial system as described in the preceding pages, which occurred before 1774—and we do not propose to go further than this year in the present volume—was brought about towards the end of the year 1773 in the circumstances stated below. **Changes made in 1773.**

In 1769, Supravisors or Supervisors[2] had been appointed for the *Diwani* portion of Bengal, 'with powers', to quote the words of the *Fifth Report*[3] *from the Select Committee of the House of Commons on the Affairs of the East India Company* (1812), 'of superintending the native officers employed in

[1] And we find in a subsequent letter of the Council to the Court of Directors :—

'Para 13. In the 12th paragraph of our letter (see the letter referred to in the text above) P Hector (see foot-note 1 on page 506) we advised you that we had appointed proper persons to compile a Code of the Mahomedan and Gentoo Laws and at our Consultation of the 10th December (1773) The President reported that the Pundits had nearly completed the latter in the Shanscrete language and that a translation of it was making into Persian. As it appeared to the President and to the Board that a translation of the Persian into English would not only be serviceable in itself in enabling the members to decide with confidence and without reference to others in such cases as turn on points of the Gentoo Law, in their Capacity of Judges of the Superior Court of Adawluts but that it might also prove worthy of the attention of the public and remove the false prejudices which seem to have prevailed in England respecting the Laws of this country. We resolved that such a translation should be made by one of your covenanted servants Mr Halhed a gentleman who added to a very liberal Education has acquiesced (acquired ?) a competent knowledge of the Persian language. The whole will be a work of great labour and size and require a considerable time to compleat, but to enable you to form some idea of the Laws of the Gentoos and to satisfy the enquiries of the curious, we transmit in this packet a Translation of the 1st section'.—See the letter (Revenue Dept.) from the President and Council, dated at Fort William 15th March, 1774, para. 13.

For Hastings's letters in this connexion to the Court of Directors and to Lord Mansfield, see Gleig, *Memoirs of Warren Hastings*, Vol. I, pp. 399-404, and Vol. III, pp. 157-161; also Monckton Jones, *Warren Hastings in Bengal*, 1772-1774, pp. 337-338. These letters will supply further information on this subject.

[2] For a detailed treatment of the circumstances which had led to the institution of Supravisorships in Bengal in 1769, and of the position and functions of the Supravisors or Supervisors appointed in that year, see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Chapters II & III.

[3] Dated 28th July, 1812.

collecting the revenue or administering justice, in different parts of the country'. These Supravisors were later on (1772) designated 'Collectors'. In its General Letter[1] to the President and Council at Fort William, dated 10th April, 1771, the Court of Directors had approved of the institution of Supravisorships. Within two years, however, the Court revised its opinion in regard to Supravisors. And in its General Letter to Bengal, dated 7th April, 1773, the Court wrote to the President and Council[2]:

'As the sending our Junior Servants into the Provinces as Supravisors[3] has not been attended with the wished for success but has enabled them to monopolise the whole Trade of the Country, *We therefore direct that they be withdrawn*[4] as soon as possible and we leave it to you to substitute some other plan for making yourselves acquainted with the exact value of every district and for giving relief to the Inhabitants, till we shall be able to send you compleat Regulations for conducting this important branch of our Affairs which we have now under consideration'.

Effect was given to this instruction by the President and Council of Revenue at Fort William, also designated then the Board of Revenue[5], on 23rd November 1773[6], as shown below.

[1] Para. 64.

[2] See para. 45 of the letter.

[3] Then designated 'Collectors'.

[4] The italics are ours.

[5] This Board of Revenue had been constituted on 13th October, 1772, on the recommendation of the Committee of Circuit. It was to transact all business relating to revenue, and consisted of all the members of the Council at Fort William. All correspondence relating to revenue matters was to be addressed to the Board as President and Council of Revenue at Fort William.

— For further details, see the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, pp. 128–29 and p. 190; also the Proceedings of the meeting of the Committee of Circuit, held at Cossimbazar on 20th August, 1772; also the General Letter (Revenue Dept.) to the Court of Directors, dated at Fort William 3rd November, 1772.

[6] *Vide* the Consultation, Board of Revenue, Fort William, of 23rd November, 1773; also O. C. No. A7, of 23rd November, 1773, Revenue Department, Fort William; also Harington, *Analysis of the Laws and Regulations*, etc., Vol. II, pp. 29–33; also Ramsbotham, *Studies*, etc., pp. 33–35; also Monckton Jones, *Warren Hastings in Bengal, 1772–74*, pp. 304–308; also the author's *Early Land Revenue System*, etc., p. 89, foot-note 2.

After having, since the receipt of the Court's instruction, debated at several meetings the various means which had occurred to them 'for carrying into Execution the Intentions of the . . . . Court of Directors for the future controul and management of the Revenue and for the removal of the Collectors from their stations and having maturely consider'd and weighed all the Consequences which may attend every measure that may be adopted', the President and Council of Revenue[1] (i.e., the Board of Revenue) agreed upon a 'detailed plan for the future control and management of the revenues of Bengal and Bihar (and also Orissa), together with another plan to be introduced at once, as a temporary measure, pending the introduction of the first mentioned plan' which was intended to be permanent, but which could not, it was apprehended by them, be suddenly introduced without producing prejudicial effects on the collection of revenues. We are concerned here only with the temporary plan, which, however, practically remained in force for several years, although it had been originally adopted by its authors 'for a temporary Purpose' and as 'subservient to that which they' had proposed 'for a future & perpetual system'[2].

[1] See page 508, foot-note 5.

[2] It may be noted here that a 'Permanent Plan for the Administration of the Revenues of Bengal and Behar' was framed by 'the Governor-General and Council (Bengal) in their Revenue Department', on 20th February, 1781. In a sort of preamble to the Plan, the Governor-General and Council observed :—

'The system which yet subsists, though with many essential variations, of superintending and collecting the public revenue through the agency of Provincial Councils, was instituted for the temporary and declared purpose of introducing another more permanent mode, by an easy and gradual change, by which the effects of too sudden an innovation might be avoided. This permanent plan is methodically and completely delineated in the same proceedings of the 23rd of November 1773, of this Department, in which the Provincial Councils were established. It consists substantially in this ; that all the collections of the provinces should be brought down to the Presidency, and be there administered by a Committee of the most able and experienced of the covenanted servants of the Company, under the immediate inspection of, and with the opportunity of instant reference for inspection to, the Governor General and Council. Conformably to this design, it is now resolved and ordered, etc. . . . .' (Then follow the details of the Plan).

Briefly speaking, the temporary plan provided for the division of the provinces of Bengal, Bihar (and Orissa) into six 'Grand Divisions'. The first grand division was 'to be managed at Calcutta'; the second at Burdwan: the third at Moorshedabad; the fourth at Dinajpore; and the fifth at Dacca. Each of these divisions was to comprise several districts. For instance, the Calcutta division was to consist of the Calcutta Parganas, Hughly, Idgellee (Hidgelee), Mysadal, Tumlook, Nadia, Jessore, etc. The Dacca division was to comprise Dacca, Sylhet, Attya, Cogmary and Burbazzoo. The sixth grand division was to comprise the whole province of Bihar minus 'Mongheer' and was to be superintended by the then Chief and Council of Revenue at

Among other things, the Plan provided that a Committee of Revenue, consisting of four covenanted servants of the Company, should be immediately constituted, and that this Committee 'shall be intrusted with the charge and administration of all the public revenues of these provinces' (i.e., Bengal and Bihar). Secondly, the Plan laid down that the Provincial Councils 'shall be dissolved, and their charge and powers transferred to the Committee of Revenue'. (See Colebrooke, *Supplement to the Digest of the Regulations*, etc., pp. 213–216.)

We may also state in this connexion that some Regulations 'for the more effectual and regular Administration of Justice, in the Country Civil Courts of these Provinces' (i.e., Bengal and Bihar) and some Regulations 'for the Sudder and Provincial Dewannee Adawluts'—in the relevant (Revenue Department) Proceedings of the Governor-General and Council, Fort William, the wording is: 'for the Sudder and Inferior Dewannee Adawlots'—had previously been passed by the Governor-General and Council (Bengal) on the 11th of April and the 3rd of November, 1780, respectively. Thus we find in a kind of preamble to the Regulations of 11th April, 1780:

'As several important Changes have taken place, in the Constitution and Civil Government of these Provinces, since the Period when the late President and Council adopted the Plan for the Administration of Justice; and as these changes have not hitherto been provided for, in any General and uniform System; the Governor-General and Council, therefore, after maturely and attentively considering the State of this Country, with respect to its present Circumstances, and the manners and Customs of its inhabitants, have resolved, that the following General Plan and Regulations shall now be established, for the more effectual and regular Administration of Justice, in the Country Civil Courts of these Provinces. . . . . . .' (Then follow the Regulations).

(See the Proceedings, Revenue Department, Fort William, of 28th March, 11th April and 3rd November, 1780; also Colebrooke, *Supplement to the Digest*, etc., pp. 14–22).

As we are not concerned with this question in this volume, we do not propose to deal with it here.

Patna. The districts of Chittagong and Tipperah were to remain under the management of a Chief.

Further, a Committee of Revenue, consisting of two members of the Council at Fort William and three senior servants of the Company, was to be instituted at Calcutta for superintending the first grand division. It was to have a Secretary, a Persian translator, an accountant, and five assistants. And Councils of Revenue were to be established for superintending the second, third, fourth and fifth grand divisions, the Council for each of these divisions being composed of a Chief and four senior servants of the Company. Besides, each Council was to have a Secretary, a Persian translator, an accountant, and three assistants. A Diwan was to be appointed to each of the Provincial Councils. He was to be chosen by the President and Council of Revenue at Fort William either from among the then Diwans of the districts or from such other persons as the President and Council might deem well qualified for that office. The Roy Royan[1] of the Company, assisted by one of his Naibs, was to act as Diwan to the Committee of Revenue at Calcutta. The Provincial Councils[2] (including the Calcutta Committee) were to correspond with the President and Council of Revenue[3], and their Diwans with the Roy Royan, and they were 'to act under their orders (respectively[4]) in every respect as the Collectors do at present'. The collection in the districts composing the grand divisions *which were not the seat of the provincial Councils*[5] was to be managed by Naibs 'at such stations as they (i.e., the Councils) may judge necessary'. The Naibs were to receive their orders from the Provincial Councils, but they were to be 'nominated' by the President and Council of Revenue[6] (i.e., the

[1] See Glossary.

[2] The Committee of Revenue at Calcutta is also *included* or implied wherever the expression 'Provincial Councils' or 'Provincial Council' is used.

[3] See foot-note 5 on page 508.

[4] See Harington, *Analysis*, etc., Vol. II, p. 32.

[5] See foot-note 2 above in this connexion.

[6] The Provincial Councils, however, were to have the power of recommending the names of suitable persons in this connexion.

Board of Revenue). The orders[1] of a Provincial Council (or of the Calcutta Committee) to the Naibs under it, were to be issued under its public seal, with the signatures of its Chief and its Diwan, and the correspondence and the accounts of the Naibs were to be addressed to the Chief and the Diwan, and sealed with their seals as Naibs.

As will be evident from what follows, the temporary plan also provided for the transfer of the administration of civil justice from the Collectors of districts to whom it had been previously entrusted, to the Naibs of the districts appointed in their places, and for the institution of a new court of justice, namely, the provincial Sudder Adalat, in each grand division. Thus it laid down[2] that the 'Naibs[3] of the Districts under each Provincial Council' (and also under the Calcutta Committee of Revenue) were 'to hold courts of Dewanny Adawlut according to the present Regulations[4] and transmit their Proceedings' to the Provincial Council (or to the Calcutta Committee, as the case might be); but that appeals in all cases were to be allowed from their decisions 'to the provincial Sudder Adawlut of the Division' (now to be instituted). The provincial Sudder Adalat was 'to be superintended[5] in Rotation by the members' of the Provincial Council (or of the Calcutta Committee) who were not at the same time members of the Council of Fort William also; but in all cases the members of the Provincial Council at large might 'revise the Decisions of the superintending member'. Decisions of the provincial Sudder Adalat 'on all Cases (Causes ?) not exceeding 1000 Rupees'[6]

[1] These orders were to be approved by a majority of the members of the Provincial Council concerned.

[2] See the twentieth Regulation under the temporary plan.

[3] And not the *Diwans* as some writers have said. As a matter of fact, under the temporary plan the Naib and the Diwan were two different persons and their status and functions also were different.

[4] I.e., the judicial Regulations passed by the Council at Fort William on 21st August, 1772, on the recommendation of the Committee of Circuit (see pages 475–87 *ante*).

[5] Apparently one member of the provincial Council was to be the Superintending Member at a time. See page 516 *post*; also the 20th Regulation under the temporary plan.

[6] 'In this is included Malguzarry Land of which the Jumma or Produce is not more than 1000 Rs and alienated or Free Lands of which the Jumma is not more than 100 Rupees'.

were to be final, but 'in Cases exceeding that sum an appeal' might be made 'as at present to the Sudder Dewanny adawlut' at Calcutta. Complaints against 'the head Farmers, Naibs of the Districts, Zemindars, and other Principal officers of the government relative to their conduct in the revenue', were to be decided by the relevant Provincial Council (or the Calcutta Committee), and entered in its Proceedings. If any person belonging to any of these categories felt aggrieved by any decision of the Council (or of the Committee), he might appeal 'to the Superior Council of Revenue at Calcutta' (i.e., the President and Council of Revenue at Fort William).

It may also be noted here that under the temporary plan, the officers of the Phoujdarree Adalats were to be forbidden 'to hold Farms or other offices in the Mofussill', and were to be obliged 'to reside (in their districts) on pain of forfeiting their Employments'. And it was to be 'declared Criminal in any Person to officiate in the Courts of Adawlet in the capacity of Naibs or Gomastahs for principals non-Residents (non-Resident?)'. Complaints against the Officers of the Phoujdarree Adalats were to be made to the Governor who was required to refer them 'to the Sudder Nizamut Adawlut for their Enquiry and Determination'[1].

In order 'to carry the temporary Plan into Execution', the President and Council of Revenue at Fort William resolved that, for the Calcutta Division, a Committee of Revenue should be constituted at the Presidency (i.e., at Calcutta), with Mr Philip Milner Dacres as its President; that 'the provincial Councils of Revenue in Conformity to the above Plan', should be formed for the Burdwan, Moorshedabad, Dinajpore and Dacca Divisions, with Messrs John Graham, Samuel Middleton, William Lambert and Richard

[1] This was presumably intended to be a safeguard against any improper administration of criminal justice in a Mofussil district, in the absence of the Collector who was now to be withdrawn from the district under a direction of the Court of Directors (see page 508). It may be remembered in this connexion that, under the Committee of Circuit's Plan for the Administration of Justice in Bengal, in the Phoujdarree Adalat of a district the Collector was to exercise certain powers with a view to ensuring a fair and impartial administration of justice (see pages 477–78 *ante*; also Appendix 16, Regulation 4).

Barwell as their Chiefs respectively; that the Committee of Revenue and the Provincial Councils should 'immediately assemble' and 'enter upon the Execution of their Trust', as required by the provisions of the plan; that they should apply from time to time to the President and Council of Revenue at Fort William for such further instructions as might be needed; that the Collectors of the districts comprised within each of the five divisions referred to above, should be informed that their districts had been placed under the management of the Committee of Revenue at Calcutta or the relevant Provincial Council, as the case might be, and that they were to return to the Presidency (i.e., Calcutta), along with their Assistants, as soon as they had rendered their accounts to the satisfaction of the Committee or the Council, and received its orders to leave their station[1]; and that, for the sixth division, the Council[2] at Patna should 'immediately take upon them the Superintendance (*sic*) of the Province of Bahar and order the Collectors and Assistants (under them) to return to the Presidency as soon as they shall have adjusted their accounts to their satisfaction'.

Finally, the President and Council appointed Diwans for the Calcutta, Burdwan, Moorshedabad, Dinajpore, and Dacca Divisions, and resolved[3] that necessary letters and orders

[1] This particular direction, however, was not to apply to such Collectors as might be detained at their station by the duties of other appointments they might hold, or otherwise. For instance, the Collector of Mahomedshahy was directed to 'remain in his station under the Chief of the Cossimbazar Factory'.

[2] Mr Thomas Lane was to be the Chief of the Patna Council.

[3] For instance, they wrote to the Committee of Revenue at Calcutta*:—

'Gentlemen

Having in consequence of the orders of the Honble Court of Directors thought it necessary to ***recall the Collectors*** and to establish a new mode of superintendency for collecting the Revenues of Bengal and Bahar We have resolved as a present Expedient to divide the provinces into six Grand Divisions each division to be under the management of a Council constituting (consisting?) of a Chief and four members the first of these grand Divisions is to be managed at Calcutta and to consist of . . . . . .

'For the Superintending these (this?) Grand Division we have

should be immediately issued in consequence of the resolutions referred to above.[1]

It will be clear from what has been said above how the Plan for the Administration of Justice which the Committee of Circuit had transmitted to the Council at Fort William from Cossimbazar on 15th August, 1772, and which had received the approval of the Council on 21st August, 1772, was modified on 23rd November, 1773; and how, as a consequence, the administration of civil justice in a district was transferred from the Collector of the district to whom it had been entrusted under the above-mentioned Plan, to the Naib now appointed in his place on his recall, from whom an appeal would lie, in all cases, to the newly instituted provincial Sudder Adalat of the division which comprised the district.

thought proper to constitute you a Committee of Revenue at the Presidency agreeably to the undermentioned arrangement viz,

Philip Milner Dacres Esq President
George Vansittart Esqre Second

Messrs	Henry Cottrell	Third
	William Harwood	Fourth
	Edward Golding	Fifth.

'We direct that you do immediately assemble and take measures for entering upon and executing your charge.

'The Collectors of Nuddea, etc . . . . are advised that their districts are put under your management and they are to return to the Presidency with their Assistants whenever they shall have rendered their accounts and received orders to that effect from you unless they should be detained by their public appointments . . . .'

Or, for instance, they wrote to Mr Henry Cottrell, Collector of Nadia*:—

'Sir

We have now to advise you that we have thought proper to put your Collectorship under the management of a Committee which we have formed at the Presidency of which is appointed President Mr Dacre(s).

'We in Consequence *direct you to return to the Presidency* with your Assistants whenever you shall have rendered your accounts and received orders to that effect from the Committee above-mentioned'. (The italics are ours).

* See the Consultation, Revenue Department, Fort William, of 23rd November, 1773; also O.C. No. A7 (Revenue Department, Fort William), of 23rd November, 1773.

[1] In view of what has been stated above, Miss Monckton Jones's statement in this connexion, namely, 'The Collectors remained in their Districts' (*Hastings in Bengal*, Oxford, p. 291) cannot be accepted as correct.

As an illustration of the new arrangement, we may cite the case of the Dacca Division. The Provincial Council for this division was constituted of:—

'Richard Barwell Esqr Chief

Messrs	Charles Purling	Second
	W. M. Thackeray	Third
	John Shakespear	Fourth
	William Holland	Fifth',

And we find in the Proceedings of the Consultation,[1] Revenue Department, Fort William, held on 17th December, 1773, the following letter from the Provincial Council at Dacca:—

'To

The Honble the President & Council of Revenue at Fort William.

'Honble Sir & Sirs

We have duly received Your orders of the 23rd Ultimo & agreeably thereto have this day Assembled as a Provincial Council of Revenue for the Management of the Division committed to our Charge . . . . . .

'Agreeable to the 20th Regulation[2] accompany^{g}. Your Letter The Superintendency of the adawlut is for the present delivered in Charge to Mr Shakespear and the Rotation will take place on the arrival of the several Members.

'We have caused publication to be made in conformity to the Regulations of the Causes appealable from this Provincial Sudder Adawlut . . . . .

Dacca
Decem^{r} 9th 1773.

Rich^{d} Barwell
J Shakespear'.

[1] Members present: The Hon'ble Mr Warren Hastings, President, and 6 others.
The Roy Royan of the Company was also present at this Consultation.

[2] I.e., the 20th Regulation under the temporary plan. See pages 512-13 *ante*.

CHAPTER VIII

THE JUDICIARY—(*continued*)

THE JUDICIAL SYSTEM OF CALCUTTA

The Zemindary Courts

WE shall now deal with the judicial system of Calcutta *during the period from 1765 to 1774*. During this period, apart from the Sudder Diwani Adalat and the Sudder Nizamut Adalat instituted, as we have seen before[1], in 1772-73, there were two systems of courts in Calcutta: one system of courts, originally 'derived from the constitution of the country'[2] (but later on replaced[3] by a new system set up by the Company towards the end of the year 1772); and another system[4], established by the Charter of Justice[5] granted to the Company on 8th January, 1753, by the Crown of England. We shall first deal with the system of courts which had been 'derived out of the constitution of the country'[6], and then show how it was replaced in 1772 by a new system of courts set up by the Company. We shall next deal with the system of courts established under the Charter of Justice granted by the Crown of England.

In July, 1698, the (Old) Company had 'obtained[7] from the

[1] See for details pages 490-93 *ante*.

[2] See the *Sixth Report from the Committee of Secrecy*, House of Commons, 1773.

[3] See pages 532-40 *post*.

[4] See pages 540-41 *post*.

[5] We are not concerned in this Volume with the Charter of Justice which King George the Third issued on 26th March, 1774, 'by virtue of an Act of Parliament of the 13th year of his reign' (i.e., the Regulating Act of 1773: 13 Geo. 3, C. 63), and which provided for the erection of what is known as 'The Supreme Court of Judicature at Fort William in Bengal'.

[6] See the *Sixth Report from the Committee of Secrecy*, House of Commons, 1773.

It may be noted here that until the first Charter of Justice granted to the Company by the Crown of England on 24th September, 1726, actually came into force, 'the only courts of justice that existed in Calcutta were derived out of the constitution of the country'.—*Ibid.*

[7] Or rather, as Wilson has rightly said, 'procured letters patent from the Prince (Azimu-sh-Shan) allowing them (i.e., the English) to purchase from the existing holders the right of renting the three villages of Calcutta, Sutanati, and Govindpur'.
—See C. R. Wilson, *The Early Annals of the English in Bengal*, 1895, p. 150.

then Nobob (Azimu-sh-Shan, grandson of Emperor Aurangzeb) the zemindary rights '[1] in respect of 'the three towns' (rather villages) of Sutanuti, Calcutta and Govindpur. In consequence of this change in its position, it had appointed a special officer, known as the Collector,[2] 'to gather in

The following extract 'from Chutanuttee (Sutanuti) Diary and Consultations, October 31, 1698', may be noted in this connexion :—

'The Prince having given us the three towns Adjacent to our settlement Vizt. Deculcutta, Chuttanuttee and Govindpore or more properly may be said the Jimmidarship of the said Townes paying the same rent to the King as the Jimmidars Successively have done; And at the same time Ordering the Jimmidar(s) of the said Towns to make over their right and Title to the English Upon their paying to the Jimidar(s) One thousand rupees for the same, It was agreed that the money should be paid being the best money that ever was Spent for so great a priviledge but the Jimidar(s) making a great noise being unwilling to part with their Country threatening to Complain to the King of the Injustice of the Prince in giving away their country which they had so long in Possession and finding them Continue in their Averseness Notwithstanding the Prince had an Officer upon them to bring them to a Complyance;

'Its AGREED that 1500 rupees be paid them provided they will relinquish their Title to the said townes and give it under their Hands in writing that they have made Over the same to the Right Honourable Company'.

See C. R. Wilson, *Old Fort William in Bengal*, vol. I, 1906, pp. 39–40; also *ibid*, p. 40n; also Firminger, *Introduction*, *Fifth Report*, Ch. IV.

The word 'Prince' here refers to the then Nawab Azimu-sh-Shan (of Bengal), grandson of Emperor Aurangzeb.

[1] For a copy of the Deed of Purchase (or 'Bai Namah') of the three towns of Sutanuti, Calcutta and Govindpur, see C. R. Wilson, *Old Fort William in Bengal*, Vol. I, pp. 40–41.

[2] Also 'Zamindar', perhaps because he was to represent the Company in its new capacity as Zemindar. (Also see the next foot-note).

As will appear from the following extract from the Company's (i.e., the Court of Directors') General Letter to the President and Council of Fort William, dated 3rd March, 1758, the full designation of the Collector was ordered by the Court in 1758 to be 'Collector of Rents and Revenues' :—

'Para. 93. The Settlement of Calcutta has long wanted a Reform in almost every Branch, and Disobedience to our Order the practice for some years past; This together with gross omission and a total inattention to Business had thrown Our Affairs into great Confusion. . .

'Para. 94. We have now with some trouble framed such a system for your better government as must in Our opinion produce considerable and lasting Advantages to us and all our subjects at Calcutta, and in a few years render it a great and flourishing Colony, provided these our Orders are carried into Execution with that Zeal, Application and Fidelity which you owe to your Employers. . . . . .

'Para. 95. It appears to us the clearest method to range our Regulations under distinct Heads, and therefore We will begin with that

the revenue of the three towns and to keep them in order '.[1] Now, as Zemindar of those towns, it had also acquired, in accordance with the prevailing customs of this country, ' the criminal, civil, and religious jurisdiction ' in them[2]. It used to exercise this three-fold jurisdiction through several

most extensive Branch the Zemindary, This post with great part of its Power we judge fit to abolish or rather seperate (*sic*), and in its stead we substitute an office the Head of which must be called Collector of Rents and Revenues under whose Management are to be the following Articles

Ground Rent	Damor & Oakum Farm
Duty on sale of Houses	Sallamy on new sloops and Boats
Do — sale of sloops and Boats	Commission on Mortgage Bonds
Do — sale of slaves	Duty collected on the out Towns
Pettahs	Duty on Burthened Oxen
Ground Overplus (?)	Bang shops Farm
Glass makers Farm	Red Lead Do
Vermillion Do	Salt Do
Fire Work Do	The Arrack Farm
Tobacco shops Do	

The Thirty eight Villages ceded to us by the Nabob or whatever may be those acquisitions.

' Para. 96. These are all the Powers of the Zemindary that are to exist under the Collector. . . . . . .'

We may add here that by this letter the Court took away from the Collector some of the powers formerly exercised by him in his capacity as Zemindar—such as the power of making a ' Public sale ' of Farms, or of determining ' all differences and disputes betwixt the Castes ' and fining ' at his Pleasure '—and vested them in other persons. For example, we find in Para. 96 of the letter :

' All Farms in future are to be put to Public Sale by our Governor and Council and not by the Collector '.

Also see pages 529–32 *post*.

[1] See Wilson, *The Early Annals of the English in Bengal*, 1895, pp. 190–91, and also pp. 238, 247, 258, and 268 ; also see Firminger, *Introduction*, *Fifth Report* (1812), p. lxix.

We also find in *India Tracts* by John Zephaniah Holwell, Esq., F.R.S., and Friends (3rd Edition, London, 1774, pp. 174–76), that the Collector (or ' Zamindar ') of Calcutta had a ' standing deputy, who was always stiled the Black Zemindar '—perhaps because he was an Indian—to assist him. Thus one Govindram Metre (Mitra) ' had been (about the year 1748) for twenty-eight years the standing Black Deputy ' in the Collector's office, ' whilst the head of it was continually fluctuating and changing '.

[2] As Firminger has rightly observed, by ' the acquisition in 1698 of the tenure, on terms of Mughal revenue law, of the three villages of Calcutta, Sutanuti and Govindpur . . . . . the Company obtained for the first time a legal position within the Mughal Empire '.—See Firminger, *Introduction* to the *Fifth Report* (1812), p. lxv ; also see p. vi. thereof.

zemindari courts[1] established in Calcutta, namely, the

[1] The following extracts from '*India Tracts* by John Zephaniah Holwell, Esq. F.R.S. and Friends', may be interesting in this connexion :—

'Here it becomes needful to add a short explanation of the nature of this officer's (i.e., the Zemindar or Collector of Calcutta's) duty, in quality of Zemindar.

'The Zemindar acts in a double capacity, distinct, and independant of each other, (with very few exceptions) the one as Superintendant and Collector of your revenues, the other, as Judge of the Court of Cutcherry, a tribunal constituted for the hearing, trying, and determining all matters and things, both civil and criminal. wherein the natives only, subjects of the Mogul, are concerned. (*sic*) He tried in a summary way, had the power of the lash, fine, and imprisonment; he determined all matters of *meum* and *tuum*; and in all criminal cases, proceeded to sentence and punishment immediately after hearing, except where the crime (as murder) requires the lash to be inflicted until death, in which case he suspends execution of the sentence, until the fact and evidence are laid before the President, and his confirmation of the sentence is obtained. He has also the power to condemn thieves, and other culprits, to work in chains upon the roads, during any determinate space of time, or for life. In all causes of property, an appeal lay to the President and Council against his decrees.

'Such was the power annexed to this office, when this Gentleman (i.e., Mr Holwell) was appointed the head of it, and such had it been for a long term of years preceding that period ; a power by much too great for any *one man* to be intrusted with. Therefore in the year 1758, at the recommendation of Mr Holwell, a stop was put to it by the Court of Directors, who appointed three Judges of this Court, Members of the Board, in monthly rotation. Before this Gentleman (i.e., Mr Holwell) took charge of this important post, there never had been any register of causes or decrees kept in English ; but from that time, a register of the proceedings was monthly laid before the Board at Calcutta, for their inspection, and annually transmitted to your Court of Directors. Here permit *us* (i.e., Mr Holwell's friends) to remark, that though this Gentleman (i.e., Mr Holwell) was, for the space of four years, (that is, from the beginning of July 1752, to the capture of your settlement) sole Judge of this Court, not a single complaint was ever preferred against him in his judicial capacity in criminal causes'. (The word 'us' has been italicised by us).—These extracts have been taken from a document addressed "To the Proprietors of East India Stock and the Public," by Mr Holwell's friends.

—See *India Tracts* by John Zephaniah Holwell and Friends, 3rd Edition, London, 1774, pp. 177–78.

It may be noted here that Mr Holwell had been appointed to the post of Zemindar by the Court of Directors in January 1752, and that he entered upon the duties of his office in July, 1752. (See *ibid*, pp. 175–78).

We may also note here that originally Mr Holwell's salary as Zemindar was two thousand rupees per annum. It was later on raised to six thousand current rupees per annum with effect from the 25th of March, 1757. This salary was to be paid to him so long as he

Phoujdarree Court 'for the trial of crimes'; the 'Court of

continued to be in the post of Zemindar, and was to be 'in lieu of all fees and perquisites whatever'. See *ibid*, p. 252.

Now it appears from the extracts quoted above in this foot-note that when Mr Holwell was appointed Collector (i.e., Zemindar) of Calcutta (and 'for a long term of years' before that), the Collector used to exercise both civil and criminal jurisdiction in Calcutta 'as Judge of the Court of Cutcherry'; and that this state of affairs continued till the year 1758, when 'a stop was put to it by the Court of Directors', on the recommendation of Mr Holwell himself.

(See in this connexion page 523, foot-note 2, and also page 527, foot-note 1).

The following extract from a General Letter from Bengal to the Court of Directors, dated 8th December, 1755, may also be worthy of note here :—

'*As it had been the constant practice of the Cutcherry* (i.e., the Zemindary Court of Cutcherry, see pp. 525–26) *to receive Complaints from Europeans against Natives*, the Zemindar might continue to take Cognizance of and decide upon Causes of Property where an European Fringy (a "native" Christian of European descent) or armenian were (*sic*) Complainant against Natives as his decision by no Means oblige the Parties or prevent them from applying to the Mayor's Court afterwards. But that the Zemindar had no right to determine upon Matters of Dispute between any Europeans, Fringys and armenians, as we (i.e., the President and Council at Fort William) esteem'd them to have the same Title to the Benefit of his Majesty's Charter* as British subjects themselves while they lived under our Protection . . . . . .

'We have . . . . . . establish'd a quorum of Justices of the peace to act in Criminal Cases where Christians are concerned'.

These two extracts were based upon the following decisions reached by the President and Council at Fort William on 25th September, 1755, 'as a Court of Appeals', in connexion with certain references made to them, on 16th June, 1755, by Mr Holwell, the Collector (or Zemindar) of Calcutta, during a dispute between him as Zemindar and Judge of the Court of Cutcherry at Calcutta and the Mayor's Court at Calcutta :

'The Majority of the Board are of opinion that the Zemindar may take cognizance of Plea's where Europeans, Armenians, or Fryngys are complainants against Natives such as Hindoos and Mussulmen but that in causes between Europeans Fryngy's and Armenians he has no authority to decide as Zemindar.

'Order'd the Zemindar therefore to take no cognizance of suits between Europeans, Fryngy's, & Armenians till the Honble Company's pleasure be known unless refer'd to as Arbitrator by consent of both Party's.

'The Board are likewise unanimously of opinion that there be a Quorum of acting Justices appointed to receive Complaints of a criminal nature such as assaults &ca instead of the Zemindar as has been usual and that part of the Catwal Prison be converted into a Workhouse for the reception of such persons as the said Justices shall commit for offences not of a capital Nature'.

The dispute referred to above had occurred over a decree granted by Mr Holwell acting as Zemindar in his Court of Cutcherry, 'upon a complaint lodged there by an European and Fringy (one Monsr.

Cutcherry, for civil causes'; the 'Collector's Court for

Dimondtaguy and his wife Phoebe) against a Fringy' (Phoebe's mother named Sarah Shadow). For details, see Appendix 19.

It may also be mentioned here that in the General Letter, dated 8th December, 1755, to which a reference has been made above, the President and Council had referred the whole dispute to the Court of Directors, requesting its 'sentiments thereupon fully in Order to prevent the two Jurisdictions (i.e., the jurisdiction of the Zemindar of Calcutta and that of the Mayor's Court at Calcutta) clashing with each other', and that, in its General Letter to the President and Council at Fort William, dated 25th March, 1757, the Court wrote in reply the following, among other things:

'Para. 129. We are sorry to find Questions arise between the Mayors Court and the Zemindar about matters of jurisdiction. If both parties would confine themselves to what properly belongs to each, these disputes might be avoided, but we have not at the present time to consider their several powers so as to give particular directions thereon.

'Para. 130. With respect to the matter immediately before us in regard to the cause between Demondtaguy and his wife and Sarah Shadou and Mr Holwells decree in Cutcherry *it seems to have been irregularly taken up by the Mayor's Court.*

'Para. 131. A Court of Justice cannot take cognizance of any thing that happens unless it comes before them regularly in their Judicial Capacity in the ordinary and common form and a course of proceedings, notwithstanding every member of the Court, may in his Private capacity know & be acquainted with the facts and may in his own private judgment either approve or condemn it'. (The italics are ours.)

The 'quorum of Justices' mentioned above in this foot-note, was to consist of three Justices of the Peace. To begin with, Messrs Pearkes, Holwell and Eyre were to be the said Justices of the Peace. A clerk was 'allow'd them with a salary of 30 Rs. per month'.

(*Obviously, reference here is to the Courts of Law established at Calcutta under the Charter, granted to the Company by the Crown on 8th January, 1753. See pages 557–75).

See the Consultation, Home Department (Public), Fort William, of 25th September, 1755, and the General Letter from Bengal to the Court of Directors, dated 8th December, 1755. Also see in this connexion the Court's General Letter to the President and Council at Fort William, dated 25th March, 1757, paras. 129–135; also Firminger's article entitled *Some Records Illustrative of the Mayor's Court—II*, in *Bengal: Past & Present*, Vol. X, pp. 123–145, and Fawcett, *The First Century of British Justice in India*, 1934, pp. 208-210.

We should like to make one observation here. Both Firminger (*Introduction, Fifth Report, 1812*, p. lxxii) and Fawcett (Sir Charles, *The First Century of British Justice in India*, Clarendon Press, 1934, p. 209) have attributed the authorship of the account of the Collector's functions as given in the extracts quoted above from *India Tracts*, to Mr Holwell himself. This does not seem to be a correct information. We find that the account as given in the extracts quoted above, occurs in a letter entitled '*Important Facts regarding the East-India Company's Affairs in Bengal, from the Year 1752 to 1760, with Copies of several very interesting Letters*'. Now this letter was

matters of revenue';[1] and, according to some writers, a Caste Cutcherry for taking 'cognizance of all matters relative to the several casts (*sic*) or tribes of the Hindoo religion'. This was also the position in Calcutta in regard to the administration of justice before the year 1773.

The Criminal Court at Calcutta.

The criminal (i.e., the Phoujdarree) court, according to the Report[2] of the Parliamentary Committee referred to before, would try 'all crimes committed by the natives', and, in this

addressed by Mr Holwell's friends in his defence, and not by Mr Holwell himself, 'To the Proprietors of East-India Stock, and the Public'. The word 'us' (in italics) in the 3rd paragraph of the extracts quoted above from *India Tracts* and also the following extract from the letter itself will make our point perfectly clear :—

'Mr Holwell himself disdains a reply to the several low attacks, made by malice and envy on his reputation : but on us, his friends, it is incumbent'.

See *India Tracts* by John Zephaniah Holwell and Friends, 3rd Edition, 1774, p. i and pp. 147–79 (and in particular p. 155).

[1] Vide the *Sixth Report from the Committee of Secrecy*, etc., 1773.

[2] I.e., the *Sixth Report from the Committee of Secrecy appointed by the House of Commons*, etc., published in the year 1773. From this Report we obtain a knowledge of the judicial system, originally 'derived from the constitution of the country', as it had existed in Calcutta immediately before its replacement by a new system of courts set up by the Company towards the end of the year 1772. It may, therefore, be of some interest to note here the instructions of the Court of Directors in regard to the constitution and functions of the criminal court—we shall refer to the question of the civil court later on (see page 527, foot-note 1)—as ordered by it to be instituted in Calcutta, presumably on the recommendation of Mr Holwell (see foot-note 1 on page 520). In a (Public) General Letter to Bengal, dated 3rd March, 1758, the Court wrote to the President and Council :

'99. In Criminal cases where the Indians are delinquents, the following methods we judge will answer every end of the Zemindary, Let the cognizance of all Crimes dwell with Our Justices of Peace, three of which are to sit thrice a week, and take their Rotation, (Our President excepted) and that Justice may at no time stop, appoint One of them the Judge for a month, this also in a Rotation; who may daily determine all slight offences, and Fine small sums, but in all matters of consequence that may offer (occur ?) in such days as the Justices do not sit, he is directly to summon a quorum* to decide them ; and should the Parties punished or fined by the acting Judge, esteem himself (*sic*) injured, he may appeal to the quorum* for Redress; But as the Laws of England do not authorize to determine Offences and Inflict such punishments as are warranted by Our Phirmaund or rather Tolerated by the Mogul Government, You are in this Capacity to stile them Zemindars, and your acting Justice the monthly Zemindar. You must appoint One of Our Servants Clerk to the Zemindars, a Registry must be faithfully kept up, Their Proceedings signed, and on every Rotation Lists of Fines with their reasons for levying them, laid before the Board for your approval,

respect, had 'a concurrent[1] jurisdiction with the Court of Oyer and Terminer[2], established by the charter of justice'[3] granted to the Company by the Crown of England. One judge appointed by the Governor and Council of Fort William, would sit in the criminal court. Originally, one member of the Council would always be appointed to the office of judge of this court, but, later on, on account of 'the increase of other business in the Council', this office was 'entrusted

'100. Another power that will partly fall under these Justices is that of Catwall, The Major or Commanding Officer (as will be shown under the Military head) is to order Parties of Soldiers to Patrole the night through, who are to seize all Disturbers of the Peace, Vagrants or criminals, these are to be confined until the Morning, and then they are to be delivered to the Sitting Justice, who if they are Indians will try them as Zemindar, and if Europeans as One of His Majestys Justices, for you will observe that this Regulation for the Quorum and monthly Judge is meant by Us to extend their Jurisdiction to both; and thus connected, there will be less confusion, than if other Justices were to hold a distinct Branch. We need not point out that their Proceedings in different Capacity (Capacities?) should be kept separate. The same Clerk serving both.'

(* The expression 'quorum' above obviously means here the quorum of three Justices).

It may be clear from the two extracts quoted above that the same tribunal of three Justices were, as Sir Charles Fawcett has rightly noted (*The First Century of British Justice in India*, Oxford, 1934, p. 210), to 'deal with both Europeans and Indians, but in the latter case as a *Zamindari* Court'.

[1] Thus we find in the Report of the Parliamentary Committee, referred to in the preceding foot-note :—

'Mr Russel, who also resided several years in Bengal, observed to your Committee that though the Mayor's Court cannot exercise jurisdiction over natives, unless by consent, the jurisdiction of Oyer and Terminer (i.e., of the Court of Oyer and Terminer) extends to natives as well as Europeans.

'Mr Becher considered this jurisdiction with respect to natives as extending to such only as lived under the British flag; and informed your Committee that where sentence was pronounced against natives, the practice was to apply for the consent of the Government before it was executed.'

[2] See pages 573–74 *post* for this Court.

[3] So far as the period from 1765 to 1774 was concerned, that is to say, the period with which we are concerned in this Volume, the expression 'the charter of justice' meant the Charter of Justice which King George the Second had granted to the Company on 8th January, 1753. But before this Charter came into force, the expression had meant the Charter of Justice which King George the First had granted to the Company on 24th September, 1726. The Parliamentary Report referred to in the text above, must, however, have meant by the expression 'the charter of justice' the Charter of 8th January, 1753. This is clear from the context in which the expression occurs. See in this connexion pages 547–48 and pages 573–74 *post*.

to junior servants, one[1] of the Council being appointed monthly to superintend'. In a capital case, three members of the Council would sit as judges in this court, and before the execution of the sentence in any such case the relevant proceedings of the Court had to 'be laid before the Governor and Council'.[2] It is evident from this that the Company, although a mere Zemindar now, would not, even at this stage, make any reference to the Nawab of Bengal or to any of his officers before executing a death sentence inflicted by its criminal court at Calcutta, but act as if it were a sovereign authority there.[3]

The Civil Court. The Court of Cutcherry or the civil court consisted 'of several judges, also appointed by the Governor and Council, out of the junior servants' of the Company, but 'seldom

[1] I.e., one member of the Council at Fort William.

[2] Bolts's description of this criminal court is somewhat different. He has said :

'The other CUTCHERRY is called the ZEMINDARY, or FOWZDARY COURT, in which, according to late practice, presides a member of the Board of Council, or sometimes a servant under Council, alone; his business is to enquire into complaints of a criminal nature among the black inhabitants, and in cases where the natives do not apply to the English established courts of justice; in which cases the charter . . . . directs, that the English laws only shall be observed. He proceeds also in the above summary way to sentence and punishment, by fine, imprisonment, condemnation to work in chains upon the roads for any space of time, even for life; and by flagellation, in capital cases, even to death. The ancient Moguls and Nabobs would not permit any of the professors of Islam to be hanged according to the English custom, esteeming that too ignominious a death for a Mahomedan to suffer; therefore, in such cases as were deemed capital, only the lash was permitted to be inflicted until death on the Mogul's subjects, Mahomedans and Gentoos; but the officers of the Court called *Chawbuckswars*, or Lashbearers, are sometimes so dextrous as to be able to kill a man with two or three strokes of the Indian chawbuck. In cases which, according to the usage of this Court or Office, are deemed to deserve death, it has been usual for the Zemindar first to obtain the approbation of the President and Council, before the fatal stroke be given'.— See William Bolts, *Considerations on India Affairs*, 1772, pp. 80-81.

Also see foot-note 1 on page 520 *ante*.

But we may accept what is stated in the Parliamentary Report referred to on page 523, as more authoritative.

Also see in this connexion Firminger, *Introduction, Fifth Report* (1812), pp. lxix-lxxii. But what Dr Firminger really means to say in regard to the question of the criminal court at Calcutta is not very clear to us.

[3] Also see Keith, *A Constitutional History of India*, p. 50.

more than one' would actually sit in it.[1] This court had 'jurisdiction of *all*[2] causes between natives and also . . . in causes[3] between a native and an European, where the latter' was the plaintiff. But in this case 'the native' might 'remove the cause into the Mayor's Court'.

'The rule of judgment' in this court, says the Parliamentary Report to which we have referred before in this Chapter, 'is supposed to be the customs and usage(s ?) of the country; and where no custom or usage applies, it is the discretion of the judge'. 'Formerly', the Report continues, 'the Chout (the fourth part of every thing recovered) was an allowed perquisite[4] in the civil court, but on a representation to the President and Council it was abolished'.

Appeals[5] would lie from the civil court to the Governor

[1] *Vide* the *Sixth Report from the Committee of Secrecy*, etc., 1773. Also see in this connexion foot-note 1 on page 527 for further details.

[2] The italics are ours. As we shall shortly see (see pages 529–32), the civil court does not appear to have had any jurisdiction over certain socio-religious matters affecting the Hindus.

According to a direction of the Court of Directors, the civil court was to try 'all Causes of Property between the Natives above Twenty Rupees', and in all cases in which the value of the property in dispute exceeded one hundred rupees, there might be an appeal to the President and Council at Fort William from the decisions of the civil court. See the Public General Letter from the Court of Directors to the President and Council at Fort William in Bengal, dated 3rd March, 1758; also foot-note 1 on page 527; also Fawcett, *The First Century of British Justice in India*, p. 210.

It also appears from the *Sixth Report from the Committee of Secrecy* (House of Commons), 1773, that, 'the jurisdiction of the Zemindary Court of Calcutta—and it appears from the context that the Committee meant by this expression both the criminal and the civil court at Calcutta—might extend over all persons, as Agents or Gomastahs, in the service of any English merchant, or of any native, residing at Calcutta'.—*Vide* the *Sixth Report from the Committee of Secrecy appointed by the House of Commons........ ...to enquire into the State of the East India Company*, 1773.

[3] One Mr Whittall informed the Parliamentary Committee, to the Report of which we have previously referred in this Chapter, of this fact.—See the *Sixth Report from the Committee of Secrecy*, etc., 1773.

[4] Of the Judge ?

[5] It may be noted in this connexion that, at a Consultation, Home Department (Public), held at Fort William on 25th September, 1755, Mr Holwell, Zemindar of Calcutta and a member of the Council at Fort William, had requested the Council 'to limit a time for appealing from the Decree of the Cutcherry (i.e., the Court of Cutcherry) to the Governor and Council', and that the Council had resolved that all appeals should be lodged 'within Fourteen days from the decree.'

and Council. The 'custom of sending causes to arbitrators' prevailed in this civil 'court as in the other districts of Bengal', and cases would often be referred to arbitrators 'without the consent of either party '[1].

[1] This is the account of the civil court we find in the *Sixth Report from the Committee of Secrecy* (House of Commons), published in the year 1773. It may, perhaps, be of some interest to note in this connexion the instructions which the Court of Directors had issued on the 3rd of March, 1758, in regard to the constitution and the jurisdiction of the civil court at Calcutta. In its (Public) General Letter of that date, addressed to the President and Council at Fort William, the Court stated :

Para. '98. The Civil Authority for determining all Causes of Property between the Natives above Twenty Rupees are to be vested in Five Persons, The Members you are to name from Our Servants below Council, One of which is to preside as Judge for a year only, and then another is to be Elected ; These several Appointments are to be made by Our President and Council who are to remove them when the Service requires it, and fill up all Vacancies as may offer by this means, Deaths or otherwise. Rules of Practice and Tables of Fees you are to settle for them, and we should think it would be best, they nearly correspond with the methods practised by Our Mayors Court, for we have no very favourable Ideas of Etlack, Moriamnis etc., at least we wish to see them mitigated, if Lenity does not increase the Evil. The same we say of Fines, however these Matters are left entirely to your Discretion ; lesser Articles its (*sic*) needless to particularize, as We shall close this Head with observing, That all Civil Cases heretofore in the Jurisdiction of the Court of Cutcherry, are now to dwell with these Persons. In all matters where the Dispute exceeds One hundred Rupees, The Parties if they esteem themselves aggrieved may appeal by Petition to Our President and Council, The Registers are to be faithfully and exactly kept up and transmitted Us annually '.

We may also note here what Bolts has said in regard to the Court of Cutcherry (i.e., the civil court).

'The COURT OF CUTCHERRY, ... on its present establishment, is composed of the Company's servants under Council, any three of whom, their President being one, upon days stated at their own option, meet for the hearing, trying and determining, in a summary way, all matters of *meum* and *tuum* to any amount, wherein only the native inhabitants of Calcutta are concerned. The mode of proceeding is indeed as summary as possible. The plaintiff and defendant, with their respective witnesses, being summoned, the Court hears what they have to offer and prove, *viva voce*, and immediately proceed to decree in such matters as do not admit of much contest. From the decisions of this Court the Company have directed appeals to lie finally to the Governor and Council ; which however is seldom done, except in matters of the greatest consequence, as it is in those cases the general practice of the Court, when not unduly interrupted, to have every cause determined by arbitrators or umpires, chosen by the parties, or with their consent ; whose decision is final, and made a decree of the Court.'—See Bolts, *Considerations on India Affairs*, 1772, p. 80.

It may be noticed that there is some discrepancy between Bolts's description of the civil court and that contained in the *Sixth Report*

With reference to these two zemindary courts of Calcutta, namely, the Phoujdarree Court and the Court of Cutcherry, Bolts[1] has observed that there were 'two others still[2] subsisting, which were granted or connived at by the Moguls, or the Nabobs of Bengal formerly, when the Company were totally dependent on the COUNTRY GOVERNMENT, as they call it. These were courts, if they may be so called, that were allowed the Company for the preservation of order and good government in Calcutta, and in the very limited districts formerly belonging to it, when they had no other authority for the exercise of any judicial powers '.[3]

The Collector's Court.

In the Collector's Court (also referred to in official documents as the Revenue Court), the Collector appointed by the Governor and Council of Fort William, would sit as judge and adjudicate on matters relating to revenue.[4] Appeals would lie from his decisions to the Governor and Council[5]. There were also 'inferior Revenue Judges in the Purgannahs'[6]. They were appointed by the Collector at Calcutta. Appeals could be made from their decisions to the Collector.[7]

from the Committee of Secrecy (House of Commons), 1773, as given in the text above, especially in regard to the number of the judges who would ordinarily constitute the court. But in a matter like this, the Report has to be accepted as more authoritative. Or, perhaps, it might be that the person referred to by Bolts as the President of the Court of Cutcherry, (or some other judge directed by him), would alone ordinarily constitute the court.

That the Court of Cutcherry had a President cannot be doubted as there is a reference to this officer in the Proceedings of the (Council) Consultation, Revenue Department, held at Fort William on 15th December, 1772.

[1] See William Bolts, *Considerations on India Affairs*, 1772, p. 80.

[2] Bolts's book in which the statement occurs was published in 1772. —See *ibid*, pp. i and 80.

[3] Obviously, so far as the native inhabitants of Calcutta were concerned.

[4] *Vide* the *Sixth Report from the Committee of Secrecy* (House of Commons), 1773.

[5] *Ibid.* [6] I.e., the Twenty-four Parganas.

[7] The *Sixth Report from the Committee of Secrecy, 1773.*

Bolts has given the following description of this Collector's Court :—

'There is another CUTCHERRY, called The COLLECTOR'S CUTCHERRY, which has been established in Calcutta ever since the Company had anything to do with the collection of ground-rents. By

The Caste Cutcherry.

The Parliamentary Report[1] to which we have already referred several times in this Chapter, and which otherwise contains a good deal of valuable information in regard to the judicial system of the period which falls within the scope of this Volume, is practically silent on the question as to who actually exercised 'religious jurisdiction' in Calcutta. William Bolts, however, has observed[2] that the Governor, 'from the present and late usage of the service', possessed

the treaty of June 1757, the Nabob Jaffier Ally Khawn *granted* to the English Company, as Zemindars, all the lands about Calcutta, to the extent of six hundred yards without the ditch called *The Marahtah Ditch*, which partly surrounds the town, and likewise the land lying south of Calcutta, generally known by the name of the Twenty-four Pergunnahs; all which is now under the jurisdiction of the Collector, who is generally a member of the Council, though sometimes a junior servant. This officer has charge of the collection of the revenues of those districts, and superintends, nay absolutely directs all judicial matters arising within the jurisdiction of the said Twenty-four Pergunnahs. He is, from the nature of his office, greatly concerned also in the police of the town of Calcutta, issuing under the Company's seal the leases called *Pottahs* to the inhabitants, for the tenures of their houses and grounds, repairing the roads and disposing of the petty farms, which constitute a considerable part of the revenue of the town of Calcutta; granting licences to the natives to marry, on which the Company also collect a duty (three Sicca rupees from each party) as well as on the sales of registered slaves and new-built sloops. All grain brought into the Gunges or public granaries, as well as every necessary of life, with many other articles brought to the Bazars or public markets in Calcutta, pay a duty upon importation, the collection of which is superintended by this Collector. The privilege of exercising many handicraft-trades is likewise farmed out by the Collector to farmers, who collect from some a certain sum for the licence of exercising their respective trades, and from others even a part of their daily wages. The collection of many of these taxes gives occasion to great oppressions from (by?) the farmers, and the numberless harpies who are necessarily employed as tax-gatherers, and are in general of great prejudice to industry and population among the lower class of people, who are harrassed on all sides; for it is even a common thing to see the seapoys, who are stationed as guards at different places, take from the poor as they pass to market something out of every one's basket. The principal or head Cutcherry of this officer is in Calcutta, where he transacts the business of his department, and where the farmers and tenants under his jurisdiction who are backward in their payments, as well as others for crimes and misdemeanors, are confined, whipped, and otherwise punished, independently of the other courts established in Calcutta'.
—See Bolts, *Considerations on India Affairs*, 1772, pp. 81-82.

The Collector, according to Bolts, appears to have had also some executive functions. See *ibid*.

[1] The *Sixth Report from the Committee of Secrecy*, House of Commons, 1773.

[2] See Bolts, *Considerations on India Affairs*, 1772, p. 83.

a power which gave "him the most unbounded authority' over 'the natives in the settlement', although this might be scarcely known to many Europeans who had resided in Calcutta. 'This', he continues, 'is the privilege of settling the affairs of the casts (*sic*), or tribes of the Hindoos, by which means any individuals among them may be prevented from being restored to their casts, when lost, or made out-casts from their families and friends, by which even whole families may be branded with infamy never to be effaced; so that none of their connections, or others of the esteemed tribes can on any account eat or drink in their company, without incurring themselves the same infamy; nay, or even touch[1] them, without being necessitated to an expiatory ablution in the Ganges'. 'The consequence of this privilege, which has been of late'[2], he concludes, 'entirely left to the Governor, and by him generally delegated to *his Banyan*, can only be conceived by those who are acquainted with the religious tenets and superstition of the Gentoos'.

Verelst, who was President and Governor of Fort William from after the departure of Lord Clive in January, 1767, till December, 1769[3], does not, however, quite agree with the above view, although he has admitted[4]:

'Neither can a man once degraded be restored, but by the general suffrage of his own tribe, the sanction of the Bramins, (who are the head tribe) and *the superadded concurrence of the supreme civil power*'[5].

According to him[6], 'judicial authority in the cast cutcherry' was exercised by one Nobekissen who was in 'charge of the cast cutcherry', and who was assisted in the discharge of his duties in this regard 'by the ministers of

[1] This seems to be an exaggeration.

[2] His book from which these extracts have been quoted was published in 1772.

[3] See page 57, foot-note 2, *ante*.

[4] See Verelst, *A View of the English Government in Bengal*, p. 28, foot-note. This foot-note has been continued from the previous page of the book.

[5] The italics are ours.

[6] See Verelst, *A View of the English Government*, etc., pp. 27-29. (along with foot-notes).

their (*sic*) religion' (i.e., Brahmin Pundits). Further, he has remarked that Bolts was mistaken when he asserted that Nobekissen had been Banyan to the Governor. For his attachment to the English Lord Clive had 'made him banyan to the (Select) committee, in which office he continued the three years likewise of Mr Verelst's government'. 'This nomination (of Nobekissen by Clive) only implied his being an agent for the committee in political transactions with the country powers'.

Dr Firminger seems to have synthesized the views of Bolts and Verelst. He has said[1], 'There was also a Caste Cutcherry presided over by a Hindu appointed by the Governor'.

On a careful consideration of these views it appears to us that perhaps the final authority in regard to the decision of all caste questions in Calcutta, rested with the Governor—and in certain circumstances[2] with the Governor and Council—although in the exercise of this authority, which Verelst has characterized[3] as 'the superadded concurrence of the supreme civil power', he would *sometimes*[4] be guided by the advice of a competent Hindu appointed by him for this purpose, who in his turn would be assisted by learned Brahmins or other authorized persons such as the headman or the headmen of the caste concerned. And we find in paragraph 96 of the General Letter[5] from the Court of Directors to Bengal, dated 3rd March, 1758, the following direction for the settlement of caste disputes[6] :—

'The Zemindar heretofore determined all differences and Disputes betwixt the Castes and Fined at his Pleasure,

[1] See Firminger, *Introduction, Fifth Report* (1812), p. lxxii.
[2] See page 532 *post*. [3] See page 530 *ante*.
[4] Sometimes, again, arbitrators would be appointed. See page 532 *post*.
[5] Addressed to the President and Council of Fort William.
[6] That the Government in those days used to interfere in caste disputes among the Hindus is also corroborated by the following extract from the letter of instructions which the Resident at the Durbar was required to issue to Supravisors (Supervisors) appointed in 1769 for the Diwani portion of Bengal :—
'The peculiar punishment of forfeiting Casts (*sic*), to which the Hindoos are liable, is often inflicted from private pique and personal

and such Fines composed the Etlack. We now Order that the Aggrieved in all Cases apply by Petition for Redress to the Governor, he in the Margin of each Petition must name Arbitrators and underwrite it to our Collector to have the same carried into Execution, and reported back to him, the Collector then in obedience to this Order is to summon the Arbitrators, direct a speedy decision, and when they return their Opinion, the Collector is to deliver it to the Governor who confirms it with such Fine as he shall judge proper, and this Decree is to be placed in the Collectors Registry; but the Fine must in future be paid to the Party injured, and no part is to be brought to our Credit; If the Fine should at any time exceed Two hundred Rupees and the Mulcted think themselves aggrieved they are to appeal to our President and Council'.

Supersession of Zemindary Courts.

While dealing with the Plan for the Administration of Justice as originally proposed by the Committee of Circuit, we stated[1] that it provided in one[2] of its Regulations for the constitution and establishment of two inferior courts of Justice in Calcutta, in addition to the two superior courts of justice there, namely, the Sudder Diwani Adalat and the Sudder Nizamut Adalat. The two inferior courts were to be established 'exactly on the Same plan as those[3] of the

Resentment amongst themselves; and requires to be restrained to those occasions only where there may (be) a regular process, and clear proofs of the offence before the Bramins, who are their natural Judges. But when any man has legally forfeited his Cast, You are to observe that he cannot be restored to it, without the Sanction of Government, which was a political supremacy reserved to themselves by the Mahomedans; and which, as it publicly asserts the Subordination of Hindoos, who are so considerable a majority of subjects, ought not to be laid down (*sic*); though every indulgence and privilege of Cast should be otherwise allowed them'.—See the Proceedings, Select Committee, Fort William, of 16th August, 1769; also Verelst, *A View of the English Government in Bengal*, Appendix, p. 238; also Bengal Secret Consultations, 1769, Range A. 9, pp. 475–505 (Imperial Record Department, New Delhi); and also the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, Chapter II, p. 62n.

[1] See pages 482–83 *ante*.

[2] See Regulation Eight in Appendix 16.

[3] I.e., the 'Mofussul Dewannee Audawlet, or the provincial Court of Dewannee' and the 'Phoujdarree Audawlet'.

But see pages 536–39 *post* in this connexion.

Districts'. A member of the Council at Fort William was to preside over the inferior Diwani Adalat at Calcutta, and another member of the Council was to exercise the same kind of control in the inferior Phoujdarree Adalat there as[1] was to be exercised, under the Plan for the Administration of Justice, by the Collector of a district over its Phoujdarree Adalat. These duties were to be performed by the members of the Council in rotation.

The actual decision, however, to establish the two inferior courts of justice at Calcutta, was taken by the President and Council at a Consultation[2] (Revenue Department), held at Fort William on 15th December, 1772. They not only agreed, at this Consultation, on the actual institution of the two 'inferior Courts of Adawlut', but also adopted the following Regulations, among others, in regard to them[3] :—

'That the president[4] shall sit and decide on all causes of Importance by his single Voice, but shall take the opinions of the darogah and other officers of the Court. In the absence of the President, the Dewan and Peshkars shall hear & determine by a majority of voices all such causes as shall be referr'd to them by the President'.[5]

[1] See pages 482–83 *ante*; also Regulations 4 and 8 in Appendix 16.

[2] See the Revenue Dept. Consultation, Fort William, of 15th December, 1772.

[3] Proposals in regard to all these matters had been made by the 'Superintendant' (of the Khalsa) for the time being (Mr William Aldersey, a member of the Council at Fort William).—*Ibid.*

For the Superintendent of the Khalsa—or rather the Superintending Member of the Khalsa—reference may be made to pp. 189-192 of the author's *Early Land Revenue System in Bengal and Bihar*, Vol. I, 1765–1772.

[4] Apparently, of the inferior Diwani Adalat of Calcutta. See the next foot-note in this connexion.

[5] It appears to us from the marginal note ('Regulations proposed for the Court') in the relevant manuscript record, from the singular use of the term 'Court', and from the subsequent Proceedings of the Revenue Department Consultation (Fort William, 15th December, 1772), that this particular Regulation was intended for the inferior Diwani Adalat of Calcutta ('Calcutta Mofussal Dewannee Adawlut'). There is, we confess, some difficulty in the acceptance of this view, caused by the word 'darogah' in the Regulation, as there was, we find, no such officer in the staff of the Diwani Adalat. There was one such officer (see p. 537_n) in the staff of the inferior Phoujdarree Adalat of Calcutta. At the same time, the words 'Dewan' and 'Peshkars' in the Regulation lend support to our

Regulations for the Phoujdarree Adalat at Calcutta.

'That in this Court (i.e., the "Zemindars Court or Fougedarry Adawlut for Calcutta and the 24 Purgunnahs") in like manner with that of the Dewannee and for the same Reasons, the President shall decide in all cases which shall be brought before the Court when he is present, taking the advice and opinions of the other officers of the Court thereon. In his Absence the other officers shall compose the Court, and shall give Judgement by a majority of voices on all matters, which shall come before them, conformably to the Rules and Restrictions laid down in the Article(s ?) of the general Regulations.[1]

'That as the Jurisdiction of this Court (i.e., the "Fougedarry Adawlut") will be chiefly confined to the City of Calcutta, which Consists of Inhabitants of various Classes, Nations & Religions, some of them amenable only to the Laws of England and to the Courts & Magistrates appointed by Charter, & other natives and Subjects of the Country Government; The President be also at the same Time the

view. There were a Dewan and two Peshkars (see p. 536, foot-note 3) in the staff of the Diwani Adalat; but there were no such Officers in the staff of the Phoujdarree Adalat.

We may also note here the remarks which the President and Council of Fort William made in connexion with the above-mentioned Regulation:

'The deviation proposed in this Court from the Form established for the other Moffussil or provincial Courts is occasioned by the greater Extent of its Jurisdiction and the proportional (?) Value of property contained in it.

'It is likewise necessary to appoint distinct officers to compose the Court which in other Districts consists of the Collector; and Officers of the Collections, as the Farmers of the 24 Purgunnahs pay their Rents immediately to the Khalsa, without any intermediate Agency.

'It is proposed that the President be allowed an independent Authority because it is to be apprehended that this would in Effect be the Case were the Board to ordain it otherwise since the Influence of a covenanted servant of the Company, and of high Station as the President from the Importance of the Trust must necessarily be, will always prove such a Restraint on the Minds of the other officers of the Court, as to prevent their giving their Opinions if these are to be decisive, in Opposition to his. By allowing them to assist the President with their opinions, but not to overrule His opinion this Restraint will be removed, and every Benefit that can be expected from their unbiassed Judgement may be derived from them . . .'.—See the Consultation Revenue Department, Fort William, of 15th December, 1772.

[1] *Ibid.*

Acting Justice of the Peace; and to enable him to acquit himself of the Duties of these separate Offices, with that Dispatch which the Extent of his Jurisdiction will require, that a Person well versed in the Forms of Law be appointed perpetual Clerk to the acting Magistrate in his united Character as President of the Court of Adawlut, & Justice of the peace, with a monthly salary of 200 rupees: but not to interfere in the Business of the Court in any shape whatever except only in registering its proceedings when the President shall sit—as Assistant to the Justice of Peace, his Business will be to draw out Warrants Commitments. & other papers in Form of Law, and to point out the Law in different Cases for his Information.—And that the Munshy of the Court shall register the proceedings of the Court when the President does not sit'.[1]

'As the Duties herein proposed for the President will not differ materially from the Functions hitherto exercised by the Zemindar and the known appellation of Zemindar will be better understood by the people, it is recommended that it be still continued. The Points in which this office has suffered any Innovation, are

'The name of Zemindar to be given to the President.'

1st that it is extended to the 24 Purgunnahs

2ndly that a part of it is delegated to the inferior Officers of the Adawlut and

3rdly that it be immediately held by a Member of the Board.'[2]

'Considerations on this Court.'

[1] Consultation, Rev. Dept., Fort William, of 15th December, 1772.

[2] *Ibid.*

Justifying the innovations proposed by him, the 'Superintendant' (of the Khalsa) said:

'The Necessity of the first alteration will be apparent from the continual and intimate Communication between the Presidency and the Purgunnahs adjacent to it.—The 2nd is intended both as a necessary Relief to the Zamindar and that the Administration of Justice at the Presidency may be conducted as nearly as circumstances will admit by the same Forms as are established for the Fougedarry Courts in the other districts of the Province. The 3rd is only reverting to the original Institution of the Zemindarry which was ever held till of very late years by a Member of the Council, and at this time more especially requires the Authority of a Person of superior Station to give weight and Respect to its decrees.'—See *ibid*; also page 533, foot-note 3.

'It is further recommended[1] that in this as in all the other Fougedarry Courts the proceedings in Capital Cases be referr'd to the Nezamutt Adaulutt for their Revisal & Confirmation, & that their Sentence be transmitted in like manner to the Nazim for his Warrant of Execution'.

Further, the President and Council appointed, at the same Consultation[2], 'Officers and Servants' for the 'two (inferior) Courts of Adawlutt' and fixed their salaries.[3] For example, they appointed one Mr William Boughton

[1] In justification of this recommendation, the 'Superintendant' of the Khalsa (see page 533, foot-note 3) said to the Council at Fort William :—

'This is proposed for the sake of uniformity, and of preserving the constitutional Forms of the Country Government in Judicial matters in obedience to the Company's Orders signified to us in their Letter of the . . . . *. It may be objected that this will be two (too ?) great a concession to the Nabob, and a Dangerous acknowledgement of his Superiority.

'The objection might have had weight some years past. It can have none now since the Nabob is entirely under the Control of the Government. It is his undoubted right. If it shall prove liable to any bad consequences the priviledge may be as easily resumed as it is given.'

—Consultation, Rev. Dept., Fort William, of 15th December, 1772.

(* No date occurs in the relevant Manuscript record.)

[2] I.e., the Consultation, Revenue Department, held at Fort William on 15th December, 1772.

[3] The establishment of the 'Calcutta Moffussul Dewaunee Adawlut' was to be as follows :—

		Monthly salary.
		Rs.
'A Civil Servant President of the Court at	...	500
A Dewan (Gyaram Banarjee)	...	100
Two Peshkars at 50 each	...	100
A Writer	...	60
A Moonshy	...	30
Two Mohurras at 15 & 10	...	25
A Zemautdar (Jamadar ?) at 10 and 10 Peons at 4 each,		50
A Frost (Forash ?)	...	4
An Office Keeper	...	4
A Bramin to administer Oaths to the Gentoos	...	4
A Mulla to administer Oaths to the Moormen	...	4
(Rupees)	...	881'.

Rous[1] to be the President 'of the Dewaunee Awdawlut with a monthly allowance of 500 Rupees'. Moreover, they resolved at this Consultation that 'in consequence of the Establishment of the Provincial Dewanny Awdawlut for Calcutta and the 24 Pergunnahs[2], the Judicial Court of Cutcherry[3] be abolished', and ordered that 'the president of that Court (i.e., the Court of Cutcherry) be advised accordingly and directed to deliver over the records of his office to Mr Rous.'[4]

It may also be noted here that at an earlier Consultation[5] (Revenue Department), the President and Council of Fort William had held that, since 'all the Collections of the Calcutta Farms are paid at Calcutta and will consequently come in immediately to the Khalsa', the office of Collector (of Calcutta) 'is now become unnecessary'. They had, therefore, resolved that the said office should be abolished; and that Mr Lewis (presumably the Collector for the time being) should be informed of this and 'directed to deliver

The establishment 'of the Zemindars Court or Fougedarry Adawlut for Calcutta and the 24 Purgunnahs', was to be as follows :—

	Monthly salary. Rs.
'A Member of the Board (i.e., the Council at Fort William) President in Rotation.	
A Clerk	200
A Draga (Daroga ?)...	150
A Cazy	100
A Moofty	100
Two Moulavies at 50	100
An English writer	60
A Jemautdar (Jamadar ?) at 15 and 20 Peons at 4 ...	95
(Rupees) ...	805'.

—See *ibid.*

[1] It is not clear from the Consultation whether he was, at the time of his appointment, a member of the Council at Fort William. As we have seen before (see pages 482–83), under the Plan for the Administration of Justice (Regulation 8), a member of the Council at Fort William was to preside over the inferior Diwani Adalat of Calcutta.

[2] It is clear from this that the jurisdiction of the inferior Diwani Adalat at Calcutta was to extend to the Twenty-four Parganas.

[3] I.e., the Zemindary Court of Cucherry for civil causes (the civil court) at Calcutta, already referred to (see page 525).

[4] I.e., Mr William Boughton Rous already mentioned (see pages 536–37).

[5] Held at Fort William on 24th November, 1772.

over to the Superintendant of the Khalsa all the Records and accounts belonging to his office.' [1]

They had also resolved at this Consultation that the Collector's Cutcherry should 'be for the present appropriated to the purpose of holding ' the two Sudder Adalats[2] (or 'Courts of Judicature') of Calcutta.[3]

As the office of Collector of Calcutta was thus ordered to be abolished, we may presume that such jurisdiction as the Collector previously used to exercise[4] there in regard to revenue matters, was now to be exercised by the inferior Diwani Adalat to be established at Calcutta.

This, in brief, is the history of the supersession or the abolition of the Zemindary Courts of Calcutta in 1772[5]. We

[1] In his *Historical Introduction* (written in 1911–12 and published in 1917) to the *Fifth Report*, 1812, p. lxix, Firminger has observed in connexion with the office of Collector of Calcutta :

'From Ralph Sheldon, appointed Collector in the year 1700, through Holwell, who was Collector in the year of the Black Hole tragedy, to the present day, *the succession of Collectors of Calcutta is unbroken*'. (The italics are ours).

This view is not supported by what we have stated in the text above. There was, as we have shown there, a break in the succession of Collectors of Calcutta towards the end of the year 1772.

[2] I.e., the two 'Superior Courts of Justice' at Calcutta, namely, the Sudder Diwani Adalat and the Sudder Nizamut Adalat.

[3] In regard to the question of the location of the two inferior courts of Calcutta, the President and Council resolved as follows :

'As the Zemindarry Cutcherry will still be appropriated for the use of the Fougedarry Awdawlut as formerly, the business of that Court requiring daily and constant attendance, and as the Collectors Cutcherry will be wanted for the Superior Courts of Justice (see the text above) it becomes necessary to provide some place for holding the provincial Dewanny Awdawlut—

'Agreed therefore that a Convenient House be taken for this purpose.'—*Vide* the Council Consultation, Revenue Department, Fort William, of 15th December, 1772.

It is clear from this resolution that the newly formed (inferior) criminal court was to be located in the old Zemindary Cutcherry and that a convenient house was to be taken for the newly created (inferior) Diwani Adalat.

[4] As the (Zemindari) Court of Revenue at Calcutta. See page 528 *ante*.

[5] It may be noted here that the decisions made by the President and Council of Revenue (i.e., the Board of Revenue) at Fort William on 23rd November, 1773, in pursuance of certain instructions of the Court of Directors, dated 7th April, 1773 (see page 508), reference to which has previously (see pages 507–15) been made, do not appear to have affected the two inferior courts of justice established at Calcutta in 1772.

may add that in their letter, dated at Fort William 6th January, 1773, the President and Council wrote to the Court of Directors about it as follows[1] :—

'The Inferior Courts are formed as nearly as Circumstances would admit on the Model of those in the Provinces, with the Addition of some Officers which the Extent and Importance of their Jurisdiction required. As the late Judicial Court of Cutcherry is by this Establishment become unnecessary, it has been abolished, and the Jurisdiction of the Duannee Adawlut for Matters of Property in the first Instance, has been extended over the City of Calcutta, and the Twenty four Purgunnas. We have appointed Mr. Rous one of your Civil Servants to preside in this Court, and We expect, from his Knowledge in the Country Languages, the Experience he has gained of the Customs of the Natives by a three Years Residence as Supervisor of Radshahy, and by a close Attention to the Duties of his Office, that the Proceedings of this Court will be conducted with great regularity, more especially as it's Decrees will be always subject to our immediate Review, and the Parties if dissatisfied, have an Opportunity of appealing to us'.

Further :

'The Removal of the Khalsa with it's several Offices to Calcutta has, as we foresaw, tended greatly to the Increase of Inhabitants, who being composed of different Nations and Religions, are more liable to Disorders, and more difficult to restrain. The Natives from living under the immediate Protection and Freedom of the English Government, gradually acquire an independent and untracetable[2] (*sic*) Spirit, while the many European and other Foreigners without Families or Homes, who croud (*sic*) our Streets, are continually guilty of Excesses and Irregularities. To provide a Remedy for these Evils, we have substituted a Phousdarry Adawlut, nearly similar to the Zemindarree Court, which is

[1] See the General Letter (Revenue Department) to the Court of Directors, dated at Fort William 6th January, 1773. It was received in England by the Court on 18th August, 1773.

[2] Untractable ?

now abolished, for thé Trial of all Crimes and Misdemeanors, in which a Member of your Board is to preside in Rotation and We hope from his high Rank in your Service that his Decisions will be attended to with Deference by the Natives, at the same time that his Authority as Justice of Peace, puts him in a Situation to enforce the Laws of England, where Europeans are concerned, without any Delay or Inconvenience. For his Assistance We have added a Subsidiary Court, to take Cognizance of such offences as may not require the Presence of the President '.

Courts of Justice in Calcutta under a Royal Charter.

We shall now deal with the courts of law existing in Calcutta between 1765 and 1774, which owed their origin to a Charter of Justice granted by the Crown of England—we mean the courts known as the Mayor's Court, the Court of Appeals, the Court of Requests as well as certain other courts, such as the Court of Quarter Sessions, for the administration of justice in criminal cases. While describing the judicial powers of the President and Council of Fort William, we have touched before[1] on some aspects of these courts of justice. We propose now to go into details in regard to them.

The Mayor's Court and other Courts of Justice.

The Mayor's Court and the other courts of judicature referred to in the preceding paragraph, owed their origin to the Charter[2] of Justice which had been granted to the

[1] See pages 272–75 *ante*.

[2] See 'Letters Patents (*sic*), Granted to the United Company of Merchants of England, Trading to the East-Indies, Bearing Date the Eighth of January, in the Twenty-sixth Year of the Reign of George II. Anno Domini, One Thousand Seven Hundred and Fifty-three'.

This Charter (of 8th January, 1753) is also referred to as 'The *Second* Charter for erecting a Corporation, and a Mayor's Court, and other Courts of Judicature, at Madras-patnam, Bombay, and Calcutta; and for granting further powers to the United Company'. The Charter of Justice granted to the Company by the Crown (see pp. 541–51) on 24th September, 1726, is referred to as 'The *First* Charter of Incorporation of the Mayor and Aldermen at Madras-patnam, Bombay, and Calcutta ; and for erecting a Mayor's Court and other Courts at each of these Settlements'. (See Russell, *A Collection of Statutes Concerning the Incorporation, Trade and Commerce of the East India Company, London, 1794*, pp. xxxi–xli.) But there was granted to the Company by the Crown another Charter of Justice (see pp. 551–52) between 1726 and 1753. It was dated 17th November, 1727. As this Charter only conferred upon the Company some

(United) Company[1] on 8th January, 1753, by King George the Second. The history of this Charter is, briefly speaking, as follows:—

The Royal Charter of 24th September, 1726.

On the 24th of September, 1726, King George the First had granted to the Company what is known as the 'First Charter[2] of Incorporation of the Mayor and Aldermen at Madras-patnam, Bombay, and Calcutta; and for erecting a Mayor's Court and other Courts at each of

additional privileges (see pp. 551–52), it is considered to be of much less importance than either the Charter of 1726 or that of 1753. Presumably because of this reason, the Charter of 8th January, 1753, is referred to, in connexion with the question of the Mayor's Courts in India, as the '*Second* Charter', and not the Charter of 17th November, 1727. (The italics are ours.)

We are very much obliged to, and take this opportunity of thanking, the Superintendent of Records, India Office, London, and also Miss L. M. Anstey of the India Office, for their kindly supplying me, at my request, (from the 'India Office Records: Charters & Treaties, Charters, Vol. III'), with true copies of the three Charters of Justice referred to above.

For the subject-matter of this Chapter, *also* see Bolts, *Considerations on India Affairs*, Chapter IX; Verelst, *A View of the English Government in Bengal*, Introduction and Chapter V; Kaye, *The Administration of the East India Company*, 1853, Part III, Chapter I; Morley, *The Administration of Justice in British India; Its Past History and Present State*, etc., 1858, Chapter I; Firminger's articles entitled *Some Records relative to the Mayor's Court*, and *Some Records Illustrative of the Mayor's Court*, in *Bengal: Past and Present* of January–March, 1914, and of January–March, 1915, respectively, and his *Introduction* (Chapter V) to the *Fifth Report*, 1812; Fawcett, *The First Century of British Justice in India*, 1934, Chapters XII & XIII: Cowell, *History and Constitution of the Courts and Legislative Authorities in India* (Chapter I); and Ilbert, *The Government of India*, 1916, Chapter I. We also find that Dr Nandalal Chatterjee has touched in his *Verelst's Rule in India* (Chapter XIII), on one or two of the points dealt with by us in this and in the preceding Chapter.

[1] See pages 104–106 *ante*, together with foot-note 3 on page 104.

[2] See 'Letters Patents (*sic*), Granted to the United Company of Merchants of England, Trading to the East-Indies, Bearing Date the Twenty-fourth of September, in the Thirteenth Year of the Reign of George I. Anno Domini, One Thousand Seven Hundred and Twenty-six'; also Russell, *A Collection of Statutes*, etc., 1794.

This first Charter of Justice for the erection of a Mayor's Court at Madras, Bombay and at Calcutta, should not, however, be misunderstood as the first Charter of Justice granted by the Crown to the East India Company. Previously to 1726, the Crown had vested judicial powers in the Old East India Company by its Charters of 1623 (4th February), 1661, 1683 and 1686, and in the New East India Company by its Charter of 1698.

See Peter Auber, *An Analysis of the Constitution of the East India Company*, 1826, pp. 228–33; also Morley, *op. cit.*, Chap. I; also Ilbert, *The Government of India*, 1916, pp. 14–29.

those Settlements' of the Company. The Charter had been granted as a result of a petition[1] submitted to the King by the Company. This Charter[2] had, in the first place,

[1] Among other things, the Company had stated in its petition :—

'That your Petitioners have by a Strict and equal distribution of Justice within the towns Forts Factorys and places belonging to the said Company in the East Indies and other parts beyond the Cape of Good Hope to the Streights of Magellan very much Encouraged not only your Majestys Subjects but likewise the Subjects of other Princes and the Natives of the Adjacent Countreys to resort to and settle in the said towns Forts Factorys and places for the better and more Convenient Carrying on of trade by which means some of the said towns Factorys and places are become very populous and especially the town or place Antiently called CHINA PATNAM now Called Madras Patnam and Fort Saint George on the Coast of Cormondell and also the towns, Factorys or Places called Bombay on the Island of Bombay and Fort William in Bengall. . . . .

'That there is a great want in all the said places of a proper and Competent power and Authority for the more speedy and effectual administring (*sic*) of Justice in Civil Causes and for the trying and punishing of Capital and other Criminal Offences and Misdemeanors committed within the places and districts aforesaid and for the better Government of the several Factorys belonging to your Petitioners within the Limitts of trade Granted to your Petitioners.

'AND for as much as the Granting to your Petitioners such powers as may Conduce to the punishing of Vice Administring of Justice and better Governing your Petitioners Factorys and Settlements abroad will in the Consequence thereof greatly tend to the Increase of that branch of the National trade which is Carried on to the East Indies as well as to the Increase of your Majestys Revenues ariseing from same—Your Petitioners therefore most Humbly beseech, etc.' —See Firminger's first article referred to in foot-note 2 on page 540. Also see in this connexion Bolts, *Considerations on India Affairs*, 1772, pp. 76–77 ; Morley, *op. cit.*, pp. 6–7 ; Peter Auber, *op. cit.*, pp. 228–33; and, in particular, Fawcett, *The First Century of British Justice in India*, 1934, Chapter XIII, pp. 214-217. The last-mentioned writer has shown what he considers to have been the real motive of the Company behind its petition for the Charter.

[2] By way of a preamble, this Charter of 24th September, 1726, declared :

'George, by the Grace of God, etc. . . . .

'To all whom these Presents shall come, Greeting :

'Whereas Our Wel-beloved Subjects, The United Company of Merchants of England, Trading to the East-Indies, have, by a strict and equal Distribution of Justice, within the Towns, Forts, Factories and Places, belonging to the said Company, in the East-Indies, and other Parts beyond the Cape of Good Hope to the Streights of Magellan, very much encouraged, not only Our own Subjects, but likewise the Subjects of other Princes, and the Natives of the adjacent Countries, to resort to, and settle in the said Towns, Forts, Factories and Places, for the better and more convenient carrying on of Trade ; by which Means some of the said Towns, Factories and Places, are become very populous, and especially the Town, or Place, anciently

provided[1], among other things, for the establishment, at each of the three principal settlements of the Company,

called Chinapatnam, now called Madraspatnam, and Fort St. George, on the Coast of Coromandel, and also the Towns, Factories or Places. called Bombay, on the Island of Bombay, and Fort William, in Bengal, in the said East-Indies, and Parts aforesaid: And whereas, in Pursuance of the Privileges and Powers, granted to the said Company, by Our Royal Predecessors, the said Company have constituted and appointed, within the Factories herein before-mentioned, several Officers, by the Names of Governor and Council, or President and Council: And whereas there is great Want, in all the said Places, of a proper and competent Power and Authority, for the more speedy and effectual administering of Justice. in Civil Causes, and for the trying and punishing of Capital, and other Criminal Offences, and Misdemeanors committed, within the Places and Districts aforesaid, and in other the said Company's Settlements within the Limits of Trade, granted to them, and for the better Government of the several Factories, belonging to the said Company, within the same.

'And whereas the said Company have humbly applied to Us, by Petition, setting forth, as herein before is set forth, and suggesting, that for as much as the granting, to the said Company, such Powers as may conduce to the punishing of Vice, and administering of Justice, and the better governing the said Company's Factories, and Settlements Abroad, will not only tend to the Advancement of those good Ends, but also to the Increase of that Branch of the National Trade, which is carried on to the East-Indies, as well as to the Increase of Our Revenues arising from the same; the said Company, therefore, by their said Petition, humbly besought Us to grant, to the said Company, the several Powers, Privileges and Franchises, hereafter in these Presents contained; We, having considered the Premises, and being desirous to afford all fitting Assistance, and Encouragement, to the said Company, and for advancing of Trade, and promotion of Justice, and being well assured, that the establishing proper Courts of Justice will very much contribute thereunto, have, therefore, by virtue and in Pursuance of several Powers, granted to, and vested in Us, by several Acts of Parliament, heretofore passed in that Behalf, and in Performance of divers Covenants, between Our Royal Predecessors and the said Company, for the granting to them all further reasonable Powers, and Privileges, for the better Improvement and carrying on their Trade, and of Our special Grace, certain Knowledge and mere Motion, given and granted, and, by these Presents, do, for Us, Our Heirs and Successors, give and grant, to the said Company and their Successors, and do, by these Presents, ordain, direct, establish and appoint, that there shall be, for ever hereafter, within the said Town or Factory of (or within the said Factory of . . . . ., in the case of Bengal) . . . . One Body Politick and Corporate.—One other* Body Politick and Corporate in the Case of Bombay and Bengal—by the Name of Mayor and Aldermen of, etc. . . . . '—*Vide* the Letters Patent granted by the Crown to the Company on 24th September, 1726.

* The word 'other' obviously implies other than the 'Body Politick and Corporate' to be set up under the Charter at 'Madraspatnam'. This is clear from the context in which the word occurs.

[1] See the Royal Charter of 24th September, 1726; also the letter from the Court of Directors to the President and Council of Fort

namely, Madras, Bombay and Calcutta, of a 'Body Politick and Corporate, by the Name of Mayor and Aldermen of' Madraspatnam (Madras), Bombay or Calcutta[1], as the case might be. This body was to 'consist of a Mayor and Nine Aldermen, Seven of which said Aldermen, at least, together with the Mayor for the Time being,' were to be 'natural born

William in Bengal, dated in London 17th February, 1726–7 (172$\frac{6}{7}$*), quoted by Firminger in his first article referred to on page 541n, and also in his *Introduction* (Chapter V) to the *Fifth Report*, 1812 ; also Sir Evan Cotton's article entitled, *The Sheriffs of Calcutta, 1727–1929*, in *Bengal : Past and Present*, July—September, 1929.

(* For an explanation of this double date, see Ilbert, *op. cit.*, p. 14, foot-note 2.)

When the Charter of 24th September, 1726, came into force, the courts of law then existing in the different settlements of the Company in India under the authority of the previous Charters of the Crown, must have been superseded by the courts set up under this Charter.—See Morley, *op. cit.*, pp. 6–7.

We may, in this connexion, quote an extract from the letter which the Court of Directors wrote to the President and Council of Fort William on 17th February, 172$\frac{6}{7}$. This extract also indicates, as will appear from what follows, the plan and object of the Charter of 24th September, 1726:—

'Upon Application made to His Majesty, We have obtain'd His Majestys Royal Charter for our Settlements at Madraspatnam at Calcutta at Fort William in Bengall, and at Bombay in the East Indies to enable Us by Vertue (*sic*) thereof to have our Affairs in all those Places and within the Districts therein mention'd, as also in all the Subordinate Factoryes of those Presidencys managed with greater Authority than ever hitherto, We apply'd to get the Mannagement (*sic*) of the Civil Affairs as near as We could aggreeable to the Practice and Methods of the Mayors Court at Fort St. George, which have continued for many Years, and as You will see in the said Charter (of which we send you by the Bridgwater an Exemplification under the great Seal of this Kingdom) It begins and goes through first with all the Powers and Authoritys granted and Rules prescribed for that Place, And then proceeds to erect the like Courts and give the same Rules for our Settlements at Bombay and Fort William.'

See Firminger's first article referred to in foot-note 2 on page 540; also his *Introduction* (Chap. V) to the *Fifth Report*.

[1] The Charter of 24th September, 1726, had appointed by name the first Mayor and aldermen under it in the case of Madras, Bombay and Calcutta, as shown below :—

For Madras :—

Mr Richard Higginson, 'the First and modern Mayor' ; and Messrs Edward Croke, Richard Carter, Duncombe Monroe, Robert Woolley, Abraham Wessel, John Powney, Francis Rouse, Luis De Medeiros, and Thomas Way, 'Merchants, ... the First and modern Aldermen'.

For Bombay :—

Mr William Henry Draper, 'the First and modern Mayor'; and Messrs Edward Massey, John Lampton, Arthur Upton, William Forbes, Arnoldus Paauw (*sic*), Thomas Harnett,

Subjects' of the Crown, 'and the other Two Aldermen' might be 'Subjects of any other Prince or State, in Amity' with the Crown. It was to 'have perpetual Succession', and 'to have a Common Seal, for the Business and Affairs of the said Corporation'. Moreover, it could 'sue and be sued, in any Courts and Causes whatsoever'.

The Mayor's Court to be a Court of Record.

Secondly, the Charter had ordained that 'the Mayor and Aldermen, for the Time being', at each of the three settlements mentioned above, 'shall for ever hereafter be, and they are hereby constituted, a Court of Record, by the Name of the Mayor's Court, at . . . . .,[1] and they, or any Three or more of them (whereof the Mayor, or the Senior Alderman, for the Time being, to be One)[2] may, and they are hereby authorized to try, hear and determine, all Civil[3] Suits, Actions and Pleas, between Party and Party, that shall or may arise,

Ephraim Bendall, Henry Albert, and Allan Chambree, 'Merchants, ... the First and modern Aldermen'.

For Calcutta :—

Mr John Sainsbury Lloyd, 'the First and modern Mayor;' and Messrs Thomas Bradyll, John Bonket, Thomas Coalis (*sic*), Thomas Cooke, Henry Harnett, Robert Frankland, George Petty, Oliver Coult and James Nevill, 'Merchants, ... the First and modern Aldermen'.

[1] I.e., at Madraspatnam (Madras), Bombay, or Fort William (Calcutta) in Bengal, as the case might be.

[2] Thus, under the Charter any 'Three or more of them (whereof the Mayor, or the Senior Alderman, for the Time being, to be One)', could 'hear and determine, all Civil Suits, etc.' The Court of Directors, however, had, in its letter to the President and Council of Fort William, dated at London 17th February, 172$\frac{6}{7}$, issued the following instruction for observance by the Mayor's Court of Calcutta :—

'By the Charter Three of the Mayors Court, the Mayor or Senior Alderman being One, may Try all Civil Causes, Yet We recommend to that Court to have always as many of their Members there in all Judgments to be given by them as possible, not only for the greater Solemnity but also for the more thorough Sifting all matters that shall come before them to prevent as far as possible the least mistake or Error in the Sentence given, as remembring (*sic*) they do in Judgment act in the Place of God towards the People, And according to the Scripture Expression, He that rules over Men must be just ruling in the fear of God.'

See the letter quoted by Firminger in his first article referred to on page 541 (foot-note) *ante*. Also see his *Introduction* to the *Fifth Report*, p. lxxxiii.

Presumably, similar instructions may have been issued to the Mayor's Courts of Madras and Bombay.

[3] It is evident from this that the jurisdiction of the Mayor's Courts was confined by the Charter to 'Civil Suits'. Curiously enough, we

or happen, or that have already arisen, or happened, within the said' town or factory of . . . . .,[1] or within any of the factories, 'subject or subordinate' to it. Appeals could be made within fourteen days from the decisions of the Mayor's Court to the Governor or President and Council[2] of the settlement concerned, who, 'or any Three or more of them (whereof the Governor or President, or, in his Absence, the Senior of the Council, residing there, to be One)', had been made by the Charter 'a Court of Record, for that Purpose, to

find in a summary of the Charter in Russell's *Collection of Statutes Concerning . . . . the East India Company*, London, 1794 :—

'By this Charter, a mayor and nine aldermen, for each of the said three settlements, were named and incorporated, with perpetual succession, with power of acting under a common seal, and of making by-laws, and of holding a mayor's court for the trial of causes *both civil and criminal*, (high treason only excepted)'.

Further, we find in a statement—which also seems to have been a summary—entered in the Proceedings of a meeting of the Court of Directors, held on Wednesday, the 1st of February, 1726–7 (*vide* Firminger's article in *Bengal: Past & Present*, referred to in foot-note 2 above :—

'Mr Woodford acquainted the Court that pursuant to Order, the three Charters were exemplyfied for the Factorys of Fort St. George, Bengall and Bombay *authorizing the Mayor and Aldermen at each of those Places to Try Causes vizt. Felony*, Injuries, Civil Actions, and Propertys, etc. . . . .' (The italics are ours).

Apparently, the summaries as reproduced above are not accurate.

Also see in this connexion the author's paper entitled "Had the Mayor's Courts (established in India by the Royal Charter of 24th September, 1726), any criminal jurisdiction?", in the *Proceedings of Meetings* (Indian Historical Records Commission), Vol. XVIII, 1942.

[1] Madraspatnam (Madras), Bombay or Calcutta, as the case might be.

[2] The actual form of the expression in the Charter is: 'the Governor, or President and Council'. The punctuation-mark of comma after the word 'Governor' is a little misleading. What was really meant, however, by the Charter was the expression 'the Governor or President and Council'. This is clear from the context in which the expression occurs. Moreover, the marginal note against the paragraph in the Charter, in which the expression occurs, makes this evident. The note runs: 'Appeals may be made from the Mayor's Court to *the Governor and Council* . . . . and . . . . Appeals may be made from the *Governor and Council* to the King in Council'. (The italics are ours).

Finally, we find in the Court's letter to the President and Council of Fort William, dated at London 17th February, 172$\frac{6}{7}$, which Firminger has quoted in his first article referred to on p. 541 (foot-note) :

'3. There is a liberty reserv'd in said Charter to appeal from the Judgment of the Mayors Court to the President and Council, who are by this Charter made a Court of Record to receive it, etc.'

receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters and Things, necessarily incident thereunto'; and 'whose Determination' was to 'be final, if the Damages, Debt, or Thing directed to be paid, done or delivered', did 'not exceed the Value of One Thousand Pagodas'.[1] In case, however, 'the same' exceeded 'the Value of One Thousand Pagodas', the aggrieved party could make, again 'within Fourteen Days after the Sentence, Judgment or Decree, given or made (by the President and Council)[2] upon such Appeal', an appeal to the King in Council, 'upon giving Security, to pay Interest after the Rate of Eight per Cent. for the Thing adjudjed, or decreed to be paid, done or delivered, and the Costs of such Appeal, in case the said Judgment, Sentence or Decree' was 'affirmed' by the King in Council.

'Governor and 5 Senior Council' were 'to be Justices of the Peace',

In the third place, the Charter had provided that the President and 'the Five Senior[3] of the Council, according to their Precedency', at each principal settlement[4] of the Company, 'shall be Justices of the Peace, and have Power to act as Justices of the Peace' in it and in the factories subordinate to it[5], 'in the same or the like Manner, and with the same or the like Powers, as Justices of the Peace .... in England, do or may exercise such Office'.

and might 'hold Quarter Sessions, for the Trial of all offences, except High Treason'.

Fourthly, the Charter had declared that the President and the 'Five Senior of the Council, for the Time being, or any Three or more of them (whereof the Governor or President, or, in his absence, the Senior[6] of the Council, residing at ....[7], to be One) shall and may hold Quarter Sessions of the Peace, Four Times in the Year, within the

[1] See foot-note 2 on page 273 *ante*.
[2] See the Charter of 24th September, 1726.
[3] I.e., the five senior members of the Council.
[4] I.e., at Madras, Bombay, and at Calcutta.
[5] In the case of Madras—
'In and for the ...... Town of Madraspatnam, and in and for Fort St. George, Fort St. David, Vizagapatnam, the Factories on the Coast of Sumatra, and all other the Factories, subordinate to Fort St. George'.
[6] I.e., the senior member of the Council.
[7] I.e., at Fort St. George (Madras), Bombay, or at Fort William (Calcutta), as the case might be.

District[1] aforesaid, and shall at all Times hereafter be, and constitute a Court of Record, in the Nature of a Court of Oyer and Terminer, and Gaol Delivery, and shall, from Time to Time, and at all Times hereafter, be Commissioners of Oyer and Terminer, and Gaol Delivery, for the trying and punishing of all Offenders and Offences (High Treason only excepted) had, committed or done, or to be had, committed or done, within the said Town of . . . . . [2], or within any of the said Factories, subordinate thereunto, or within Ten English Miles of any of the same respectively: And that it shall and may be lawful, to and for the said Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery respectively, to proceed by Indictment, or by such other Ways, and in the same or in the like Manner, as is used in that Part of Great-Britain, called England, as near as the Condition and Circumstances of the Place, and Inhabitants, will admit of; and, for that Purpose, to issue their Warrant, or Precept, to the Sheriff of the said District, for the Time being, commanding him to summon a convenient Number of the principal Inhabitants, within the said District, to serve and attend as a Grand and Petty Jury, at the said Courts respectively'. The said Justices and Commissioners were empowered and directed by the Charter to 'proceed to the Arraignment, Trial, Conviction, and Punishment of Persons accused of any Crimes, or Offences (High Treason only excepted) in the same, or the like Manner and Form, as near as the Condition and Circumstances of the Place, and Inhabitants, will admit of, as any . . . . Justices of the Peace, or Commissioners of Oyer and Terminer, and Gaol Delivery, in England, (respectively) do or may proceed, by Virtue of any Commission' granted by the Crown 'for that Purpose'; and 'to do all other Acts, that Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery, usually and legally do'.

[1] I.e., within the settlement of Madras, Bombay or Calcutta (or within a place subordinate to any of them), as the case might be.
[2] Madraspatnam (Madras), Bombay, or Calcutta, as the case might be.

Fifthly, the Charter had granted to the Company 'full Power and Authority' not only to act, in its principal settlements in India or in the places subordinate to them, as it would think fit in regard to such military matters as the appointment and removal of generals and other military officers, the raising of 'standing Forces', exercising the inhabitants of those places in arms, the repelling of 'Force by Force', etc., but also 'to use and exercise', 'in Time of War or open Hostility', 'Martial Discipline and the Law Martial, in such Cases as Occasion shall necessarily require, and may legally be done'.

In the sixth place, the Charter had empowered the Mayor's Courts to be set up under it to grant 'Probates of Wills (*sic*) and Letters of Administration'. Among other things, it had declared in this connexion:—

The Mayor's Court 'might grant Probat(e) to Wills, and Administration to Intestates Estates.'

'Where any Person shall die, within the said Town of Madraspatnam, or Fort St. George, or the Limits thereof, or any of the Factories subordinate to Fort St. George aforesaid, the said Town of Bombay, in the Island of Bombay, or the Limits thereof, or the Factories subordinate thereto, or the said Town of Calcutta, at Fort William, in Bengal, or the Limits or Districts of the same, or the Factories subordinate thereto, and shall by his Will appoint any Person, or Persons residing within the said Towns, or the Limits thereof, or the Factories aforesaid, to be his Executor or Executors, that, in such Case, the Mayor's Court, within the District, or Jurisdiction, whereof such Person shall happen to die, upon Proof made of the due Execution of the said Will, shall, and they are hereby authorized to grant Probat (*sic*) of the said Will, under the Seal of the said Court, which We authorize them to provide and use, for this and other necessary Purposes, whereby the Person or Persons, so named Executor or Executors, shall have full and ample Authority to act as Executor or Executors, as touching the Debts and Estate of his, her or their Testator, within the Limits of Trade, granted to the said Company; and where any Person shall die, within any of the said Towns or Factories, or the Limits, thereof, Intestate, or not having

appointed some Person, or Persons, to be his Executor, or Executors, residing within the said Towns or Factories, or the Limits thereof, that, in either of these Cases, the said Mayor's Court, within the Jurisdiction whereof such Person shall happen to die, shall, and the same is hereby empowered to grant Letters of Administration, or Letters of Administration with an authentick Copy of the Will annexed, determinable upon any Executor, named in such Will, appearing in the said Court, and praying Probat thereof, as touching the Debts and Estate of such Person dying Intestate, or not naming such Executor as aforesaid, that shall be or arise within the Limits of Trade, granted to the said Company, to such Person, or Persons, then residing within the Jurisdiction of the said Court, as shall be next of Kin to the Person so dying; and in case no such Person shall be then residing within the Jurisdiction of the said Court, then to the Principal Creditor of the Person so dying; and for Want of any Creditor appearing, then to such other Person, or Persons, as shall be thought proper, by the said Court'.

Lastly, the Charter had appointed a Sheriff for each of the three principal settlements[1] of the Company in India as mentioned before, 'and for any Space within Ten Miles of the same'. He was to be the first Sheriff[2] of the settlement (concerned) under the Charter. The first Sheriff was to be 'the Junior[3] of the Council' of the settlement 'at the Time of the Arrival' of the Charter there. He was to hold office

[1] I.e., Fort St. George (Madras), Bombay and Calcutta.

[2] The first Sheriff of Calcutta under this Charter—and, as a matter of fact, the first Sheriff of Calcutta—was one Mr Thomas Braddyll.—See the Bengal Public Consultation, Fort William, of 28th August, 1727, as quoted by Firminger in his first article previously (page 541, foot-note) referred to, and also by Sir Evan Cotton in his article entitled : *The Sheriffs of Calcutta : 1727–1929*, published in the July—September (1929) number of *Bengal : Past & Present*.

[3] I.e., the last member of the Council in the order of precedence.

This is corroborated by the following extract from the Court's letter to the President and Council of Fort William, dated 17th February, 1726–27 :—

'The said Charter appoints an Annual Sheriff to be chosen to be the last of your Council'.

— See both Firminger's & Evan Cotton's articles referred to in the preceding foot-note.

for one year, 'and until another shall be duly elected and sworn into the said Office'. The Charter had also provided for the annual election[1] of the 'future Sheriffs' of the settlement by the President and Council thereof, or by 'the major part of them'.

The Royal Charter of 17th November, 1727.

It may be noted in this connexion that the Charter of 24th September, 1726, a brief account of which we have given above, and which had, under its own terms, come into force[2] at each principal settlement[3] of the Company in India within thirty days after its receipt[4] there, had been, as a result of an application by the Company, supplemented by a Royal Charter[5] dated 17th November, 1727. This supplementary Charter had granted to the Company and its successors 'all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money whatsoever, as have been or shall be ordered, charged, adjudged, set, or imposed upon any Person or Persons whatsoever, in or by the said respective Courts,[6] or

[1] "On the Twentieth Day of December, unless the same happens on a Sunday, and then on the next day."

[2] We may note here an instruction which the Court of Directors had issued to the President and Council of Fort William, in connexion with the Charter of 1726. It had said:

'This Charter being principally design'd for the Government and benefits of Europeans, and many of the Natives who live with you having peculiar Customs of their own, We are willing they should still enjoy them, so (long?) as they live quietly and do nothing that tends to publick disturbance or breaking into the settled Rules of the Place, You must continue to be as hitherto you have been very careful to avoid as much as possible the putting any of the Moors to Death, unless the Crime be of a very high nature such as Murther and Piracy and the proofs thereof be very possitive and plain for fear the Moguls Governours make it a handle for raising Disturbances, of which it may not be easy to foresee or prevent the ill Consequences'.

—See the Court's letter to the President and Council at Fort William, dated at London 17th February, 1726/7, quoted in Firminger's first article referred to in foot-note 2 on page 540.

[3] I.e., at Madras, Bombay and at Calcutta.

[4] The actual wording in the Charter was:

'within Thirty Days after Notice of this Our Charter'.

Also see the letter from the Court of Directors, referred to in foot-note 2 above.

[5] See 'Letters Patents (*sic*), Granted to the United Company of Merchants of England, Trading to the East Indies, Bearing Date the Seventeenth of November, in the First Year of the Reign of George II. Anno Domini, One Thousand Seven Hundred and Twenty-seven'.

[6] I.e., the courts of justice set up by the Charter of 24th September, 1726.

by the said Justices of the Peace, Commissioners of Oyer and Terminer, or (and ?) Gaol Delivery,[1] or any of them, or otherwise howsoever, by Virtue or in Pursuance of any of the Powers, Grants, Privileges or Authorities, in the said[2] Letters Patents mentioned or contained'. Moreover, this Charter had conferred upon them[3] 'full Power and Authority to sue for, recover, and levy all and every the said Fines, Amerciaments, Forfeitures, Penalties and Sums of Money, by any Action or Actions of Debt, to be brought in any of Our[4] said Mayor's Courts[5] respectively, or by such other Suits, Actions, Ways, Means and Proceedings, as may be lawfully had and prosecuted, in Our said respective Courts[6], in their Corporate Names, or by any other lawful Ways or Means'.

The surrender of the Charters of 1726 and 1727.

The Charter of 1726 having, however, been found in course of time defective in some respects, the Company had felt the need of some alterations in it.[7] Secondly[8], there had arisen another difficulty. During the War of the Austrian Succession, the French had captured Madras in 1746 and retained the possession thereof till its restoration to the English in 1749[9], in accordance with the terms of the Peace

[1] Appointed under the Charter of 24th September, 1726.
[2] I.e., the Royal Charter of 24th September, 1726.
[3] I.e., the Company and its successors.
[4] I.e., the Crown of England's.
[5] I.e., the Mayor's Courts set up under the Charter of 24th September, 1726.
[6] I.e., the courts of law set up under the Charter of 24th September, 1726.
[7] See the Charter of Justice granted to the Company on 8th January, 1753; also Russell's *Collection of Statutes*, etc.; also the Court's letter (sent per *Egmont*) to the President and Council at Fort William, dated 24th January, 1753, in Firminger's first article (*Bengal: Past & Present*), referred to on page 541 (foot-note); also foot-note 4, page 554 *post*.
[8] *Ibid*.
[9] See Vincent A. Smith, *The Oxford History of India*, 2nd Edition, p. 472; also James Mill, *The History of British India*, Wilson's Edition, 1848, pp. 82-83. According to Ilbert (*The Government of India*, 1916, p. xxi), Madras was restored to the English in 1748 by the Treaty of Aix-la-Chapelle. On the other hand, Vincent Smith (see *op. cit.*) has said that Dupleix held possession of the town of Madras 'until 1749, when he was compelled to relinquish it in accordance with the terms of the peace of Aix-la-Chapelle'. The position of Vincent Smith seems to be more correct. The Treaty of Aix-la-Chapelle which provided, among other things, for the restoration of Madras to

of Aix-la-Chapelle (1748). Now, when after the restoration of Madras, the Company had been considering the question of the 'Reestablishment' of its 'Settlement at Fort St. George[1]', it had intended[2] to revive the courts of justice which had previously been established at Madras under the Charter of Justice of 24th September 1726.[3] It had, however, been informed at this stage by the legal advisers[4] whom it had consulted in this matter, 'that by reason of the taking of that Place by the French and their Possession of it afterwards, all the Powers and Authorities which by that Charter were granted for holding of Pleas in civil Actions at Fort St. George were at an end, and that it would be necessary' for it 'to apply to his Majesty for a new Charter'.

For these reasons and also in order that 'there might be an Uniformity in the Constitution of (its) several Settlements in the East Indies'[5], the Company, on the advice of the legal advisers mentioned above[6], had petitioned[7]

the English, was, no doubt, concluded in 1748, but the actual restoration of the town to the English appears to have taken place in 1749. And this was natural in those days when it would ordinarily take about six months for a letter or a direction from Europe to reach India. And this view is corroborated by what James Mill (see *op. cit.*) has said on this point :

'In November (1748) news arrived that a suspension of arms had taken place between England and France: and this was shortly after followed by intelligence of the treaty of Aix la Chapelle, in which the French government had agreed to restore Madras. It was delivered up in August, with its fortifications much improved'.

[1] I.e., Madras.

[2] See the Court's letter of 24th January 1753, referred to in foot-note 7 on page 552.

[3] See pages 541–51 *ante*.

[4] The Attorney-General and the Solicitor-General in England and one Mr Yorke, the Company's 'Standing Council' (Counsel?) in England.—See the Court's letter referred in in foot-note 2 above.

[5] The exact wording in the Charter of 8th January, 1753, was :—

'It had been found by Experience, that there were some Defects in the said first mentioned Charter, therefore, and that there might be an Uniformity in the Proceedings of the several Courts of Justice, at the several Places and Factories aforesaid . . . .'—See foot-note 4 on page 554 *post*.

[6] See the text above.

[7] Among other things, the Company had stated in its petition to the Crown that it 'had lately resettled the said Town of Madraspatnam, and that it would be a great Encouragement to Persons to come and settle therein, if a proper and competent Power and Authority was established there'.—See foot-note 4 on page 554.

King George the Second 'for leave to surrender' its 'former Charters' (of Justice) and requested His Majesty to grant to it a new Charter of Justice for its several settlements in India, 'with such Alterations from the former, and under such Regulations, as would tend to the better Administration of Justice, in the Factories and Places[1] aforesaid, and their Dependencies '[2].

Deed of Surrender of 6th January, 1753.

Accordingly, on 6th January, 1753, by an indenture, 'inrolled in Chancery, made between the King's Majesty of the one part, and the United Company of the other part, the Company' had 'surrendered and yielded up (to the King) the said two grants[3], and all the franchises, powers, jurisdictions, rights, and privileges thereby given'. And the King also had 'thereby declared his acceptance of the said surrender, under a provisoe, that it should be of no force or effect, until 30 days next after the arrival of the new Charter, intended to be granted (by him) for erecting courts of justice within the . . . . . settlements' of Madras, Bombay and Calcutta.[4]

[1] I.e., at Fort St. George (Madras), Bombay and Calcutta.

[2] See the Charter of 8th January, 1753; also the Court's letter of 24th January, 1753, referred to in foot-note 7 on page 552; also Russell's *Collection of Statutes*, etc.; also foot-note 4 below.

[3] I.e., the Charter of 24th September, 1726, and the Charter of 17th November, 1727, already referred to (see pages 541-51 and pages 551-52).

[4] See Russell's *Collection of Statutes*, etc.; also the Court's letter to the President and Council at Fort William, dated 24th January, 1753, already referred to (see page 552, foot-note 7, *ante*).

The following extract from the Charter of Justice of 8th January, 1753, may be worthy of note here:

'And whereas The said United Company of Merchants of England, Trading to the East-Indies, by their humble Petition, have represented unto Us, that in or about the Month of September, One Thousand Seven Hundred and Forty-Six, We being then engaged in a War with the French King, the French besieged and took the said Town of Madraspatnam, and turned out all Our Subjects, Inhabitants thereof, and continued in the Possession of the said Town, until the same was restored unto them, in Consequence of the Treaty of Peace lately concluded at Aix la Chapelle, between Us and the French King, and that by Reason of such the Possession of the French, the Mayor, and all or most of the Persons, who at that Time were Aldermen of the said Town, were dispersed, and are since either dead or returned to Great Britain, or settled in other Parts of India, whereby, as they were advised, the said Mayor's Court, at Madraspatnam, and all and every the Powers and Authorities, by the said first mentioned Letters

And as we have already seen, this 'new Charter' of Justice had been granted to the Company by the King on 8th

Patents, given or granted for the Administration of Justice in Civil Causes there, were dissolved, and at an End: And The said United Company, by their said Petition, further humbly represented unto Us, that they had lately resettled the said Town of Madraspatnam, and that it would be a great Encouragement to Persons to come and settle therein, if a proper and competent Power and Authority was established there: And that it had been found by Experience, that there were some Defects in the said first mentioned Charter, therefore, and that there might be an Uniformity in the Proceedings of the several Courts of Justice, at the several Places and Factories aforesaid, they humbly besought Us to accept a Surrender of the said first mentioned Charter, so granted to them, for erecting Courts and Jurisdictions, Civil and Criminal, at Fort St. George, at Bombay, and at Calcutta, at Fort William, in Bengal; and also a Surrender of Our said Charter or Grant of the Fines arising to Us, at those Places; and that We would be graciously pleased to grant them another Charter, for erecting other Courts or Jurisdictions, Civil and Criminal, with such Alterations from the former, and under such Regulations, as would tend to the better Administration of Justice, in the Factories and Places aforesaid, and their Dependencies.

'And whereas, by Indenture, bearing Date the Sixth Day of January, One Thousand Seven Hundred and Fifty-three, and made between Us of the One Part, and The said United Company of the other Part, and duly enrolled, The said United Company, for themselves and their Successors, did surrender and yield up unto Us, Our Heirs and Successors, the Letters Patents granted by Our late Royal Father, bearing Date, at Westminster, the Twenty-fourth Day of September, in the Thirteenth Year of His Reign; and also Our said Letters Patents, bearing Date, at Westminster, the Seventeenth Day of November, in the First Year of Our Reign, and all and every the Franchises, Powers, Jurisdictions, Rights, Privileges, Benefits, Advantages and Emoluments whatsoever, given and granted unto The said United Company, or unto or for their Use or Benefit, in or by the said Letters Patents, so made and granted by Our late Royal Father; and by the said Letters Patents so granted by Us, or either of them; and by the same Indenture, We did, for Ourselves, Our Heirs and Successors, accept of such Surrenders, under a Condition that such Surrenders should be of no Force, or Effect, until Thirty Days next after the Arrival, at the respective Places and Factories aforesaid, of such Charters as We did intend to grant, and should grant, for the erecting and holding of Courts of Justice, both Civil and Criminal, at the Places and Factories aforesaid respectively, and until the Officers of such Corporations and Courts respectively should have taken upon them, and qualified themselves, to hold and enjoy their respective Offices, and Employments, in such Manner as We should by such Charters direct.

'We having considered the Premises, and being willing and desirous to afford all fitting Assistance, and Encouragement to The said United Company, and for advancing of Trade, and promoting of Justice, and in Consideration of their Surrender of the aforesaid Charters, and Our Acceptance thereof, and to answer the good Ends and Purposes intended thereby, have therefore, by Virtue and in

January, 1753.[1] It was promulgated at Fort William by the President and Council thereof on Friday, the 5th of October, 1753[2]. And on 11th October, 1753, five[3] of the members[4] of

Pursuance of several Powers granted to and vested in Us, by several Acts of Parliament heretofore passed in that Behalf, and in Performance of diverse Covenants, between Our Royal Predecessors and the said Company, for granting to them all further reasonable Powers and Privileges, for the better Improvement and carrying on their Trade, and of Our special Grace, certain Knowledge and mere Motion, given and granted; and by these Presents do, for Us, Our Heirs and Successors, give and grant, unto the said Company and their Successors; and do by these Presents ordain, direct, establish and appoint, that there shall be, for ever hereafter, within the said Town or Factory of * . . . . . One—One other, in the case of Bombay and Fort William—Body Politick and Corporate, by the Name of the Mayor and Aldermen of † . . . . . . ; and that such Body Politick and Corporate shall consist of a Mayor and Nine Aldermen, etc '.

* Madraspatnam, Bombay, or Fort William, as the case might be.

† Madraspatnam, Bombay, or Calcutta, as the case might be.

[1] See pages 540–41 *ante* in this connexion.

[2] See the letter from the President and Council to the Court of Directors, dated at Fort William 4th January, 1754; also the Public Proceedings, Fort William, of 20th September, 1753; also the Proceedings of the Mayor's Court, Calcutta, dated 28th September, 1753—(all as quoted by Firminger in his first article referred to before on page 541, foot-note, *ante*).

The following extract from the letter which the Secretary to the Governor and Council of Fort William wrote to the then Mayor and Aldermen of Calcutta on 27th September, 1753, may be interesting in this connexion:

'The Honble. Company having thought proper to surrender up their former Charters for all their Settlements in India his Majesty has been graciously pleased by his Letters Patent under the great Seal of England to grant them new ones for their said Settlements with the alterations therein by them requested and thought necessary The Exemplification for this presidency being arrived the Honble. the President and Council have Determined to promulgate the same on Fryday the 5 of October next ensuing and as the present Members of the Mayors Court are therein Confirmed Mayor and Aldermen of this Town I am Directed to require your Attendance in the Great Hall of Fort William on the before specified Day at 9 a Clock in the forenoon with the Several Officers of your Court'.

—*Vide* the Proceedings of the Mayor's Court, Calcutta, of 28th September, 1753, as quoted by Firminger in his first article referred to before (see page 541, foot-note, *ante*).

[3] Namely, Messrs William Nixon (Mayor), Holland Goddard, George Gray, Samuel Oliver and David Rannie.

Messrs Peter Nokes, R. H. Baldrick and Richard Court, Aldermen, 'being absent at Sea and Mr. Bartholomew Plaisted Alderman being Dangerously ill Could not Attend with the other Members to be sworn'.

—*Vide* the Proceedings of the Mayor's Court, Calcutta, of 11th October, 1753, as quoted by Firminger in his first article already referred to (see page 541, foot-note, *ante*).

[4] See pages 557–58 *post* in this connexion.

the new Mayor's Court, having been, as required[1] by the new Charter, 'Duly Sworn in their Office', took, on that very day, 'their Seats on the bench to proceed on the business of their function and Office'[2].

The Royal Charter of 8th January, 1753.

We shall now briefly deal with some of the provisions of the Royal Charter of 8th January, 1753, so far as the 'Factory of Fort William, in Bengal' was concerned.[3] In the first place, the Charter declared that 'there shall be, for ever hereafter, within the .... Factory of Fort William, in Bengal,' a 'Body Politick and Corporate, by the Name of the Mayor and Aldermen of Calcutta, at Fort William, in Bengal; and that such Body Politick and Corporate shall consist of a Mayor and Nine Aldermen, Seven of which said Aldermen, together with the Mayor, for the Time being, shall be natural born subjects' of the Crown of England, and the other 'Two Aldermen may be foreign Protestants, the Subjects of any other Prince, or State, in Amity with' the Crown; and that the 'said Body Corporate, by the Name aforesaid, shall have Perpetual Succession, and shall and may be Persons able and capable in Law, to sue and be sued, in any Courts and Causes whatsoever, and shall and may have a Common Seal, for the Business and Affairs of the said Corporation, which Common Seal they and their Successors may break and change, at their Pleasure'.

The First Mayor and Aldermen under the new Charter.

The Charter also declared that the persons who, at the time of its arrival at Fort William, 'shall be the Mayor and Aldermen of the said Town of Calcutta .... under the .... former Charter'[4], which the Company had previously

[1] See page 558 *post* in this connexion.
[2] *Vide* the Proceedings of the Mayor's Court, Calcutta, of 11th October, 1753, as quoted by Firminger in his first article already referred to (page 541, foot-note, *ante*).
[3] It may be noted here that the provisions of the Royal Charter of 8th January, 1753, in relation to Madras and Bombay were, *mutatis mutandis*, the same in all respects as in the case of Fort William in Bengal. As a matter of fact, like the Charter of 24th September, 1726, the Charter of 8th January, 1753, dealt, except in regard to one or two matters, first with the Presidency of Madras, and then declared in essence that its provisions relating to Madras were to apply equally, *mutatis mutandis*, to Bombay and Fort William (Calcutta).
[4] I.e., the Charter of 24th September, 1726.

surrendered to the Crown, 'shall continue and be the modern Mayor and Aldermen, and shall, at a Time to be appointed for that Purpose, by the Governor or President, or, in his Absence, by the Two Senior[1] of the Council of Fort William, in Bengal, then residing there, within Thirty Days after Notice' thereof[2], 'take an Oath, duly to execute their respective Offices, and shall also take the Oath of Allegiance; which Oaths the said Governor or President, and, in his Absence, the Two Senior of the Council, then residing at Calcutta, in Bengal aforesaid, are hereby empowered to administer'. This first Mayor under the new Charter was to continue in his office, 'from the Time of taking the ..... Oaths of Office and Allegiance', until another person was 'duly elected and sworn into the said Office', as shown hereinafter[3]. The first aldermen, however, were to continue in their respective offices, 'from the Time of taking such Oaths as aforesaid, for and during the Term of their natural Lives, unless their said Places shall be avoided, or themselves removed, in such Manner', as stated below.[4]

The Election of a New Mayor.

Secondly, the new Charter directed that 'it shall and may be lawful, to and for the said Mayor and Aldermen' of Calcutta, 'for the Time being, or the major Part of them', to assemble 'on the First Tuesday in December' every year, and 'to proceed to the Election of Two Persons, out of the Aldermen of the said Town of' Calcutta, 'for the Time being; and, within Three Days after every such Election, (to) present' these two persons to the President and Council of Fort William.[5] The President and Council, or the major part of them, of whom the President, or, in his absence, the senior member of the Council, then residing at Fort William, was to be one, were to 'choose One of the said Two Persons to be Mayor of the said Town of' Calcutta, 'for One Year,

[1] I.e., by the two senior members.

[2] That is to say, within thirty days after notice had been taken of the new Charter by the persons concerned, on its arrival at Fort William.

[3] See pages 558–59.

[4] See pages 559–61 *post*.

[5] See in this connexion foot-note 6 on page 272 *ante, as continued* on page 273.

from the Twentieth Day of December, in every Year, and until another shall be duly elected and sworn into the said Office'. The Mayor, thus chosen, was required to take, on or before this twentienth day of December *next after* his choice, 'the usual Oath of Office, and the Oath of Allegiance', before 'the .... President, or, in his Absence, before the Two Senior of the Council,[1] then residing at' Fort William, and was to continue in his office 'for the Space of One whole Year, from the said Twentieth Day of December, and until another shall be duly elected and sworn into the said Office', as stated above.

In case of the Death of any Mayor, a new Choice.

In case of the death of any Mayor, while in office, the aldermen, for the time being, or the major part of them, were, as soon as convenient, 'upon reasonable Notice to be given in that Behalf, by the Senior Alderman, then residing' at Fort William, to 'assemble and elect Two Persons, out of the Aldermen of the said Town' of Calcutta, 'for the Time being', and, 'within Three Days after every such Election', to present those two persons to the President and Council of Fort William. And, as we have already seen,[2] the President and Council were to choose one of the two persons to be the Mayor of Calcutta 'for the Remainder of the Year, and until another' person were 'duly chosen and sworn into the said Office'. The person so chosen to be the Mayor, was, 'immediately thereupon', to 'take the same Oaths of Office and Allegiance' as we have mentioned before.[3]

A Mayor, on the termination 'of his Office of Mayor', was to continue as an alderman of the town of Calcutta, 'until his said Place' was 'avoided, or himself removed, in Manner hereinafter[4] mentioned'.

Mode of filling a vacancy in the office of Alderman.

If any vacancy arose in the office of an alderman due to his death or removal from office, or due to his avoid-

[1] The President or, in his absence, the two senior members of the Council, then residing at Fort William, were 'authorized and required' by the Charter to administer the oaths to the person chosen to be the Mayor.

[2] See page 558 *ante*. [3] See page 558 *ante*.

[4] See pages 560–61 *post*.

ance of office, the President and Council of Fort William, for the time being, or the major part of them, of whom the President or, in his absence, the senior member of the Council then residing at Fort William was to be one, were, 'upon reasonable Notice or Summons to be given in that Behalf', to 'elect some other fit Person, out of the principal Inhabitants[1] of the said Town' of Calcutta, to the office of alderman. The person so elected was to take, within fourteen days after his election, an oath of office and an oath of allegiance, before the President or, in his absence, before the two senior members of the Council then residing at Fort William. He was to continue in his office of alderman 'during his Life, unless his said Place shall be avoided, or himself removed, in such Manner' as shown below.[2]

If, however, any person duly chosen to be an alderman, neglected or refused 'to accept such Office, not having a reasonable Excuse for so doing', and did 'not, within Fourteen Days next after . . . . . . his Election, take the Oath of Office, and the Oath of Allegiance', referred to above, then he would have to pay 'such reasonable fine' as would 'for that Purpose be fixed and agreed on, by the . . . . Mayor's Court, with the Approbation and Consent' in writing of the President and Council.[3] All vacancies in the offices of aldermen were to be first filled up before the election of any Mayor could take place.

If any Mayor or alderman of Calcutta removed to any other settlement of the Company, or returned to Europe, or were otherwise absent from the town for twelve months,

[1] The Court of Directors' instruction on this point was :—

'All Vacancies in the Court of Aldermen are for the future to be supplyed and filled up by our Governour and Council, which We recommend and direct them to do out of our Covenanted Servants, if at such times there shall be a sufficient number of them fitly qualified and if not, then they must supply such Vacancies with the Principal Inhabitants of the Place'.—From the Court's letter to the President and Council at Fort William, dated 24th January, 1753, as quoted by Firminger in his first article referred to on page 541 (foot-note).

[2] See pages 560-61.

[3] Or the major part of them, of whom the President, or, in his absence, the senior member of the Council then residing at Fort William, was to be one.

or became the President of Fort William or a member of its Council, then 'the Place or Office of every such Mayor, or Alderman', would 'be void '[1]; and it would be quite 'lawful to choose another Mayor or Alderman, in the Place and Stead of such Person, in the same Manner' as in case of the death of a Mayor or an alderman, as the case might be.

The Removal of an Alderman.

The President and Council were empowered by the Charter to remove, upon a reasonable cause, on a complaint in writing, any alderman from office. The latter, however, was to be first given a reasonable time to make his defence, and was to be summoned for that purpose in case he resided within 'the Limits and Precincts' of the town of Calcutta. And if any person thought himself aggrieved by any such 'Sentence, or Adjudication of Removal', he might, within fourteen days after such removal, appeal to the Crown in Council, 'upon giving Security to pay the Costs of such Appeal' in the event of 'the Sentence or Adjudication' being affirmed. But the appeal could not suspend the execution of the sentence.[2]

Sheriff.

Thirdly, the new Charter directed that the person who, at the time of its arrival at Fort William, happened to be the Sheriff of Calcutta 'and the Precincts, Districts or Territories thereof'[3], was to 'continue and be the Sheriff thereof' until another person was 'duly elected and sworn into the said Office'.

In regard to the mode of election of future Sheriffs, the Charter said that the President and Council[4] of Fort William

[1] I.e., vacant.
[2] It may also be noted here that in case any of the persons nominated by the Charter 'to be Mayor or Aldermen' of Calcutta, happened to die, or departed from the East Indies, or became otherwise disqualified, before notice was taken thereof, or before they were 'sworn into their respective Offices', then it would be lawful for the President and Council 'to nominate any other fit Person or Persons, out of the principal Inhabitants of the Town' of Calcutta, 'to be the modern Mayor or Aldermen; and to admit and swear him, or them, into their respective Office, or Offices'.
[3] Obviously, appointed under the Charter of 24th September, 1726.
[4] Or the major part of them, of whom the President, or, in his absence, the senior member of the Council then residing at Fort William, was to be one.

'shall yearly, on the First Tuesday in December, assemble themselves, and proceed to the Election of a new Sheriff for the Year ensuing, to be computed from the Twentieth Day of December, next after such Election'. As soon after his election as convenient and before he entered upon the duties of his office, the new Sheriff was to take an 'Oath of Office' and an 'Oath of Allegiance' before the President or, in his absence, before the two senior members of the Council then residing at Fort William, who were authorized by the Charter to administer the same. He was to continue in his office for one year from the said twentieth day of December, and until another person was 'duly elected and sworn into the said Office'.

In case any such Sheriff died while in office, or removed during his term of office away from Calcutta, or happened to be absent from this place for three months[1], then the President and Council were, 'as soon as conveniently' might be 'after the Death, Removal or Absence of such Sheriff', to 'assemble and choose another Person to be Sheriff in his Room, who shall be sworn as aforesaid[2], and continue in his office for the Remainder of the Year'.

The Sheriff's Duty.

The Sheriff was to have, within the town of Calcutta and 'the Limits thereof, and the Factories subordinate thereto', 'full Power and Authority to execute and make Return of all Process' of the Mayor's 'Court, and of any other Court erected' by the Charter at Fort William. In case, however, of the absence of the Sheriff for such reasonable cause as might be allowed by the President and Council, a Deputy or Under-Sheriff to be appointed by the Sheriff himself, was to execute the duties of his office.

The Jurisdiction of the Mayor's Court.

Fourthly, the Charter declared: 'The Mayor and Aldermen of Calcutta, at Fort William . . . . . . shall, for ever hereafter, be, and they are hereby constituted a Court of Record, by the Name of the Mayor's Court, at Calcutta, at Fort William, in Bengal; and that they, or any Three or

[1] Unless for such reasonable cause as might be allowed by the President and Council.

[2] See the preceding paragraph.

more of them (whereof the Mayor or Senior Alderman, for the time being, to be One) may and they are hereby authorized to try, hear and determine, all Civil Suits, Actions and Pleas, between Party and Party, that shall or may arise, or happen, or that have already arisen, or happened, within the said Town or Factory of Calcutta, at Fort William, in Bengal, or within any of the Factories, subject or subordinate thereunto'. The Mayor's Court, however, was not to have any jurisdiction over 'such Suits or Actions' 'between the Indian Natives'[1] of Calcutta 'only'.[2] These were to be

[1] The following extract quoted by Firminger from the Proceedings of the Mayor's Court of Calcutta, dated 19th October, 1753, may be worthy of note here :—

'This being the day appointed for taking into Consideration that part of his Majesty's Charter Relating to the Indian Natives and this Court accordingly taking the same into Consideration the Question was put whom shall be Esteemed and Looked upon as Indian Natives.

'The Court do understand the Charter to Mean only Mogulls and Gentoos to be Indian Natives who are excluded Complaining to this Court one against the Other'.

See Firminger's first article previously referred to (page 541, foot-note).

We also find in a statement made on 25th September, 1755, by the Hon'ble Mr Roger Drake, President and Governor of Fort William, and Mr Manningham, a member of the Council thereof, at a Consultation held at Fort William :—

'When the Honble the Mayors Court sat by virtue of the former charter (i.e., the Charter of 24th September, 1726) all Causes of Meum & Tuum between Natives & Natives were cognizable by them but from inconveniences found to arise therefrom the new Charter (i.e., the Charter of 8th January, 1753) absolutely restrains the said Court from receiving complaints of property subsisting between the Natives unless the party give free consent that such their disputes should be heard & determined in that Court—By Natives are undoubtedly meant Gentoos & Mussulmen who are excluded from application to the Mayors Court in dispute between themselves except by mutual consent and can therefore only obtain relief by Complaint to the Zemindar or by Arbitration of indifferent People of their own choice which method of Arbitration should be had in preference in the Cutcherry each party engaged in a penal Bond to abide by the Decision of Arbitrators chosen by themselves or appointed in Publick Cutcherry . . . . it appears Gentoos and Mussulmen are properly subjects of the Mogull and that Itinerents whether Europeans Armenians or others cannot be so deemed and agreable (*sic*) there to have been the Practise (*sic*) of the several Courts authorised by his Majesty's Charter'.—See the Home Department (Public) Proceedings (Fort William) of 25th September, 1755.

[2] The significance of the word 'only' here is not very clear to us. Does it imply that the Mayor's Court was to have jurisdiction over

'determined among' the parties (concerned) themselves, unless they 'by Consent' submitted 'the same to the Determination of the said Mayor's Court'. If the Mayor, or any alderman, were in any way interested 'in the Event of any .... Action or Suit', then 'no such Mayor or Alderman, so interested as aforesaid', was to 'sit or act as a Judge in such Action or suit'; but 'the same' was to 'be heard and determined' by such[1] of the members of the Mayor's Court as would 'be no ways interested therein'. In all cases in which 'the Number of Voices' in the Mayor's Court happened to be 'equal in the Determination of any Action or Suit, the Mayor, or, in his Absence, the Senior Alderman present' was to 'have Two Voices'.

Persons interested not to sit in judgment.

Rules of Practice in the Mayor's Court.

Fifthly, the Charter prescribed 'the rules of practice' to be observed in the Mayor's Court in 'Civil Actions'. Briefly[2] speaking, it laid down that a complaint to the Mayor's Court was 'to be made in Writing', and that 'the Cause of Action' was to 'exceed the value of Five Pagodas', and was not to be, as already noted,[3] 'between the Indian Natives only'. On a complaint made to it the Mayor's Court was first to issue 'a Summons, in Writing, under the Hands and Seals of Two[4] of' its judges, to be directed to the Sheriff of Calcutta, 'requiring the Party or Parties, Defendant or Defendants, to appear before' it 'at a certain Time and Place therein to be appointed, to answer the said Complaint'. 'In Default', however, 'of such Appearance' and 'upon return of the

such civil suits between 'the Indian Natives' residing within *any of the factories* subordinate to Fort William, although it was not to have any such jurisdiction within the town of Calcutta? This interpretation is possible in view of the word 'only'; but it is extremely doubtful, regard being had to the context in which the question of the jurisdiction of the Mayor's Court occurs, whether the Charter really intended it. Possibly, the word refers to 'the Indian Natives.' See page 582 *post*.

[1] 'Or any Three or more of them'.

[2] For a detailed statement of the rules of practice to be followed in the Mayor's Court, see Appendix 20. What we have given here is a very brief summary of those rules. We have had to do this for considerations of space.

[3] See page 563 *ante* in this connexion.

[4] Of whom, *ordinarily*, the Mayor, or, in his absence, the senior alderman then residing in Calcutta, was to be one. For *further details* see Appendix 20.

Summons by the Sheriff', the said Court was 'to issue forthwith a Warrant', directing the Sheriff 'to take the Body or Bodies of such Defendant or Defendants, and bring him, her or them,' before itself, 'at a certain Time and Place therein to be appointed, to answer to the . . . . . . Complaint; and in case of Appearance, or Arrest of the Body or Bodies of such Defendant or Defendants, to let such Defendant or Defendants out to Bail'[1]. The Court was next 'to proceed to the Examination of the Matter and Cause of Complaint, either upon the Oath or Oaths, or solemn Affirmation, of any Witness or Witnesses, to be taken in the most solemn Manner'.[2] The 'Deposition or Depositions of such Witness or Witnesses' were 'to be reduced into Writing, and subscribed in open Court, by such Witness or Witnesses'. Thereupon the Court was to 'give Judgment and Sentence, according to Justice and Right, and to award and issue a Warrant or Warrants of Execution . . . . . to be directed to the Sheriff, ... for levying the Debt, or Duty, adjudged or decreed to the Party or Parties complainant, together with Costs of Suit upon the Goods and Chattels of such Defendant or Defendants.'[3] And 'for Want of sufficient Distress', the Court was empowered by the Charter 'to imprison the Defendant or Defendants, until satisfaction' was 'made by him, her or them, to the Plaintiff or Plaintiffs, of the Debt, or Duty, decreed or adjudged, together with the Costs of Suit'. In case, however, judgment was given for the defendant or defendants, the Court was authorized 'to award Costs to such Defendant or Defendants, and to issue the like Process and Execution for the same, as in Cases where Costs' were awarded to any plaintiff or plaintiffs.

[1] For further details see Appendix 20.

[2] Also see Appendix 20.

[3] Commenting on this, Russell has said that it is observable that the Charter, 'in prescribing the mode and forms of proceeding', excluded 'by implication any trial or inquiry of damages by jury, giving the (Mayor's) court itself, as well where the defendant hath appeared to the action, as where he hath not appeared, the sole power of assessing damages, passing judgement, and awarding execution for the debt or damages adjudged, with costs of Suit'.—See Russell's remarks in this connexion in his *Collection of Statutes*, etc.

Procedure in case of an Action against a Mayor, or a Sheriff.

If any action or suit was brought or commenced against a Mayor in office, it would be lawful for the Mayor's Court 'to proceed and determine such Suit, in the same Manner as in other Actions or Suits' pending before it. But the Mayor himself was not to 'sit as a Judge, or appear on the Bench, during the hearing of the Cause, or making any Order therein'. And if any action or suit was brought or commenced in the Mayor's Court against a Sheriff in office, then 'it shall and may be lawful' for the President and Council of Fort William, 'to nominate and appoint a proper Person, to execute the Process and Orders of the said Court, against such Sheriff'.

Or against the Company itself.

If any action or suit was brought in the Mayor's Court against the Company itself, the Court was empowered to issue a summons to the President and Council of Fort William, directing them to appear before it on behalf of the Company. The President and Council were required by the Charter so to appear for the Company, and authorized by it 'to answer and defend such Suit, in the Name, and for and on the Behalf of The . . . Company'. The Court was also empowered 'to issue such Process against' the Company and its 'Estate and Effects' as might be considered necessary to compel its appearance before itself; and 'to hear and determine such Cause of Action, in the same Manner' as it was authorized to do in 'other Actions and Suits'. In case its judgment went against the Company, the Court was 'to raise and levy upon' the latter's 'Goods, Estate and Effects, the Debt or Damages, together with such Costs of Suit' as it might award, 'subject nevertheless to such Appeal' as is mentioned hereinafter[1]. And if the Company had 'any Action or Suit against any Person or Persons', it would be lawful for the President and Council to make, on its behalf, a 'Complaint thereof in Writing to the . . . . . . Mayor's Court', which was to 'proceed therein, and . . . . hear and determine the same as in other Cases'. In case its judgment was given against the Company, the Court was to

[1] See pages 570–71 *post*.

award such 'Costs, to be levied upon the Goods and Effects of the .... Company' as it might think fit.

In case a Defendant withdrew himself out of the Jurisdiction of the Mayor's Court.

In case a defendant, who had been resident within the town of Calcutta or any of the factories or districts subordinate thereto, at the time when any cause of action had accrued, withdrew himself out of the jurisdiction of the Mayor's Court, then it would be lawful for the Court, 'upon an Affidavit of Proof, verifying', to its satisfaction, 'the Demand of the Plaintiff .... in such suit', 'to grant a Sequestration to seize the Estate and Effects of such Party ...., to such Value' as it would think reasonable. If, however, the defendant failed to appear before the Court and give proper security[1] within six months[2], then the Court was empowered 'to proceed to hear and determine the said Cause, and to give Judgment therein' *ex parte*, and, in case the judgment was given for the plaintiff in such suit, 'to direct the Effects so seized to be sold, and out of the Produce thereof to make Satisfaction to the Plaintiff .... for the Duty and Costs recovered, returning the overplus (if any)'. If, however, 'such Produce' was 'insufficient to make satisfaction to the Plaintiff', then the Court was authorized 'to award Execution for the Residue of the Duty, and Costs', to be recovered in the manner[3] described before.

Custody of Money, Securities, etc., of Suitors.

Sixthly, as it was considered to be of 'the utmost Concern and Importance to the Suitors' of the Mayor's Court that 'their Money, Securities and Effects, should be preserved and secured, for their Benefit, in the most careful and effectual Manner', and as the Company had, at its own cost, 'undertaken and agreed to be answerable[4] to the Suitors of the said Court, for all such Money, Securities and Effects, as under the Orders of the .... Court, shall be paid, delivered to, or deposited with', its President and Council at

[1] See in this connexion Appendix 20.

[2] Unless it was shown to the Court that the defendant was residing in Great Britain or Ireland.

[3] See page 565 *ante*; also Appendix 20.

[4] 'Except in Cases of Fire, foreign Invasions, or other unavoidable Accidents, whereby the said Monies, Securities or Effects, may be lost'.

Fort William, the Charter enjoined that 'all Money, Securities and Effects, of the said Suitors, as shall be ordered into Court, or to be paid, delivered, or deposited for safe Custody, shall be paid, or delivered unto, or deposited with' the President and Council, 'to be by them kept, and deposited with the Cash and Effects of the . . . . Company; subject to such Orders and Directions, as the . . . . . Mayor's Court' would, 'from time to time, think fit to make concerning the same, for the Benefit of the Suitors'.

Accountant-General of the Mayor's Court.

The Court of Directors[1] was empowered by the Charter to 'appoint an Officer, under the Name of the Accountant General, of the Mayor's Court'. He was, among other things, to carry into execution the orders of the Mayor's Court relating to the 'Suitors Money, Effects and Securities', and to keep 'the Accounts thereof with the President and Council'. He was to act 'under such Rules, Methods and Directions' as might be made by the Court of Directors from time to time, in accordance with the directions of the Charter.

Other Officers of the Mayor's Court.

The Mayor's Court was also empowered by the Charter 'to administer Oaths and Affirmations, and to frame such Rules of Practice, and nominate and appoint[2] such Clerks

[1] It appears, however, from the letter (para. 13) of the Court of Directors to the President and Council at Fort William, dated 24th January, 1753,—already referred to on page 552 (foot-note 7) *ante*—that the former delegated the power of appointing the Accountant-General to the latter. The Court wrote: 'They (i.e., the Court of Directors) have authorized You to appoint an Accountant General'.

Accordingly, at a Consultation held at Fort William on 20th September, 1753, the President and Council appointed one Mr Thomas Coales to be the Accountant-General ('Accomptant General') of the Mayor's Court, 'agreeable to the tenour of the Charter'.—See the Consultation, Public, Fort William, of 20th September, 1753, as quoted in Firminger's first article referred to on page 541 (foot-note).

[2] Thus we find in the Proceedings of the Mayor's Court, of 11th October, 1753:—

'This Court Observing his Majesty's New Charter gives them power to Nominate and appoint their own officers the Court Accordingly do now Nominate and appoint Mr. William Parker to be Register of this Court, James Meredith, William Dumbleton and Edward Ridge Attorneys and Thomas Tilley and William Cartwright to be Serjeants in the service of this Court who are now Sworn in Accordingly'.

— See Firminger's article in *Bengal: Past & Present*, referred to in the preceding foot-note.

and Officers, and to do all such other Things as shall be found necessary for the Administration of Justice, and the due Execution of all, or any of the Powers' conferred upon it by the Charter. It was required, however, to submit to the Company, from time to time, an account of what it would do. And all its actions were to be 'subject to the Approbation, Control and Alteration, of the' Court of Directors.[1] The Court of Directors, too, was empowered by the Charter 'to make such Rules and Orders. for the better Administration of Justice' as it would, 'from Time to Time, think fit and necessary'. But the Rules and Orders made by the Mayor's Court, in so far as they were not 'repugnant to any Rules or Orders made by the .... Company, or their Court of Directors[2]', were to be in force until they were revoked or altered by the Court of Directors and notice thereof given to the Mayor's Court.

A Table of Fees was to be put up in the place where the Court would be held.

As we have noted before[3], 'a Table of the Fees'[4] to be allowed to its clerks and officers, was to be 'settled' by the Mayor's Court, subject to the approval of the President of Fort William[5]. It was then to be 'written out fair, and kept constantly fixed up in some visible and open Part of the Room, or Place, where the said Court' would be held. It

[1] The actual wording in the Charter was: 'subject to the Approbation, Control and Alteration, of the said Company, under the Hands of Thirteen or more of the Court of Directors of the said Company'. This in effect means 'the Court of Directors'.

[2] The actual wording in the Charter was: 'So far as the same shall not be repugnant to any Rules or Orders made *by the said Company*, or *their Court of Directors, as aforesaid*'. (The italics are ours).

It is not clear from this wording whether or not the Charter contemplated that the Rules or Orders in question could also be made by *the General Court of Proprietors*. The general trend of thought in the relevant paragraph in the Charter is in favour of the Court of Directors alone. Russell also has taken this view in his *Collection of Statutes*, etc., already referred to (see page 540, foot-note, *ante*).

For the meaning of the words 'as aforesaid', see the preceding foot-note.

[3] See page 273, foot-note 1.

[4] Obviously to be paid by the suitors of the Mayor's Court. See Russell's *Collection of Statutes*, etc., already referred to (foot-note 2 above).

[5] Thus we find in the Proceedings of the Mayor's Court, of 11th October, 1753:—

'Ordered the Register to Draw out a fair Table of fees for the Regulation of the Officers of this Court in Order to lay before the

would, however, be lawful for the Mayor's Court, with the approbation of the President and Council of Fort William, *and also* for the Court of Directors, 'to vary and alter such Table of Fees, in such Manner as' they would think fit.

The President and Council of Fort William constituted a Court of Record to hear appeals.

If any person thought himself aggrieved, or if the President and Council of Fort William thought the 'Company aggrieved', by any judgment of the Mayor's Court, then the person, or the President and Council acting 'for and in the Name of The .... Company', as the case might be, might, 'within Fourteen Days after such Judgment' had been 'entered of Record', appeal to the President and Council of Fort William. The Charter constituted the said President and Council, or any three or more of them, of whom the President, or, in his absence, the senior member of the Council residing at Fort William, was to be one, 'to be, for ever hereafter, a Court of Record for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters and Things, necessarily incident thereto'. If, however, the President, or any member of the Council, was in any way 'interested in the Event of any such Action or Suit', he was not 'to sit or act as a Judge, upon such Appeal'; and the appeal in that case was to be 'heard and determined by' those members of the Council, or by any three or more of them, who would not be in any way 'interested therein'. In all cases, in which 'the Number of Voices' would 'be equal, in the Determination or Judgment upon such Appeal', the President, or, in his absence, the senior member of the Council, present but not interested, was to 'have Two Voices'. The judgment in appeal of the President and Council was to be 'final, if the Debt, Damages or Things, directed to be paid, done or delivered, or (the) Matter in Dispute' did not 'exceed the Value of One Thousand Pagodas[1]'; but 'in case the same' did 'exceed the

President for the time being for his approval or Amendments and then after to Publickly affix them upon the Town Hall that all persons Concerned may Govern themselves Accordingly'.
— See Firminger's first article already referred to (page 541, foot-note).

[1] For the meaning of this term, see page 273, foot-note 2.

value of One Thousand Pagodas', any person aggrieved by the judgment given upon such appeal, might[1] appeal to the King in Council. An appeal to the King in Council could also be made[2] by an aggrieved person direct from the Mayor's Court, 'although the Debt, Damages or Thing to be delivered, or (the) Matter in Dispute' did not 'exceed the Value of One Thousand Pagodas', if no judgment in appeal could be given by the President and Council at Fort William, 'for want of a sufficient number of disinterested judges of appeal' amongst them, as required[3] by the Charter. In either case of appeal to the King in Council, the appellant would have to give 'Security to pay Interest[4] .... for the Thing adjudged or decreed to be paid, done or delivered, and the Costs of such Appeal', if the judgment appealed against was 'affirmed'. And in case the Company itself appealed to the King in Council, the President and Council of Fort William would have to 'give the like Security, by a Bond, in the Name and on the Behalf of the .... Company'.

A judgment in appeal, whether given by the King in Council or by the President and Council, as the case might be, was to 'be put in Execution by the .... Mayor's Court, in such Manner as an original Judgment of the said Court should or might have been'; and the Mayor's Court was 'required and commanded' by the Charter 'to execute the same accordingly'. If, however, the Mayor's Court refused or neglected 'to cause such Judgments .... to be executed, within Fourteen days after Application' made to it for that purpose, then the President and Council were 'to execute or cause the same to be executed, by such Ways and Means as the said Mayor's Court might have done'.

[1] 'Within Fourteen Days after the Judgment, Sentence or Decree, given or made upon such Appeal', had been 'entered of Record'.

[2] 'Within Twenty-one Days after' the judgment of the Mayor's Court had been 'entered of Record'.

[3] See page 570 *ante*.

[4] Not exceeding the rate of interest prevailing at the time of the delivery of the judgment appealed against.

A Court of Requests.

Seventhly, with a view to providing[1] 'a speedy remedy for the recovery of small debts', the Charter directed that there was to be, for ever, in the town of Calcutta, a Court, to be called the Court of Requests, for the town itself 'and the Factories and Districts thereof'; and that, for that purpose, the President and Council of Fort William were, as soon as convenient after the arrival of the Charter there[2], to appoint 'some of the principal Inhabitants[3] of' Calcutta . . . . , 'not more than Twenty-four, nor fewer than Eight', to be the first Commissioners[4] 'to hear and determine Suits, in a summary Way, under such Rules, Orders and Regulations' as were to be, from time to time, 'given or sent to them,' by the Court of Directors. These Commissioners, or any three or more of them, were to 'have full Power and Authority, to hear and determine all such Actions or Suits . . . . brought before them, where the Debt, Duty, or Matter in Dispute' *did not exceed* 'the Value of Five Pagodas'.

[1] By way of a preamble to this provision, the Charter declared: 'And whereas the providing a more easy and speedy Method, for recovering of small Debts, within the said Town of . . . . . . and the Factories and Districts subordinate thereto, will greatly contribute to the promoting Industry, and supporting and encouraging useful Credit'; etc.

[2] I.e., after the arrival of the Charter at Fort William.

[3] Also see foot-note 2 on page 573 *post.*

[4] As a matter of fact, the number of those who were appointed to be the *first* Commissioners for the Court of Requests was only twelve. And in their letter to the Court of Directors, dated at Fort William 4th January, 1754, the President and Council stated, among other things:

'Para. 154. Upon receipt of your Honours Packet per Egmont We read the Exemplification of his Majesty's New Charter sent us by that Ship, and on the 5th day of October Promulgated the Same. The first thing We did was the Appointment of Twelve Commissioners for the Court of Requests, as many of which as We could We chose out of your Honours Covenanted Servants'.

Further, the President and Council wrote therein:

Para. 156. 'As the Charter directs all Suits under 5 Pagodas should be Prosecuted in this Court (i.e., the Court of Requests) We order'd the Zemindar (of Calcutta, see pages 518-27) should not take Cognizance of any disputes of Property under 20 Current Rupees, to prevent the Jurisdiction of the Cutcherry and that Court interfering with one Another and Creating continual contests between them'.

— See in this connexion the Consultation, Public, Fort William, of 20th September, 1753, and the President and Council's letter to the Court of Directors, dated at Fort William 4th January, 1754, both as quoted by Firminger in his first article referred to on page 541, foot-note.

The first Commissioners to be appointed under the Charter, were to continue in office until the first 'Thursday in December, next after the Arrival' of the Charter at Fort William. Any 'Three or more of them in Rotation', as they would agree among themselves, were to 'sit every Thursday in the Week, from the Hours of Ten to Twelve in the Forenoon, or longer', if necessary, 'to hear and determine all such Causes as' would be 'brought before them, not exceeding the Value aforesaid[1]' On the first 'Thursday in December, next after' the arrival of the Charter at Fort William, the said Commissioners were to assemble together, and twelve of them, or one-half of the Commissioners then in office, in case their number was less than twenty-four, were to be removed from office 'by the Ballot of all of them, or of such as' would be present, 'and a Number, equal to that of those so removed', were to be 'chosen by Ballot of the remaining Twelve, or lesser Number', as the case might be. Thenceforth, 'the elder Commissioners' were to be removed from office after they had been in it for two years; and their places were to be filled 'on the first Thursday in December annually, by the ballot of the last elected Commissioners, and so from year to year[2]'.

The President and Council to be Justices of the Peace;

In the eighth place, the new Charter declared that the President and Council of Fort William were to 'be Justices of the Peace, and have Power to act as Justices of the Peace' 'in and for the .... Town or Factory of Calcutta, at

[1] I.e., 'the Value of Five Pagodas'. See page 572.

[2] See the relevant provision of the Second Charter; also Russell, *Collection of Statutes*, etc.

We may note here that, in its letter to the President and Council at Fort William, dated 24th January, 1753, the Court of Directors gave the following instructions in regard to the mode of appointment of the Commissioners for the Court of Requests, and one or two other points connected with the working of the Court:

'We do in a particular manner recommend to You and to the Commissioners that in the first Nomination of Commissioners, and in all future appointments of them our Covenanted Servants shall always have a preference or be first named, and if there should not be a sufficient number of them to answer this purpose, the rest must be made up out of the Principal Inhabitants'.

'We likewise recommend it to You that the Officers of the Court

Fort William . . . . and . . . . the Factories subordinate thereto'; and that, as such, they were to have 'the same or the like Power, as Justices of the Peace, constituted by any Commission or Letters Patents', under the Great Seal of Great Britain, 'for any County, City, or Town Corporate' in England. Further, the said President and Council, or any three or more of them (of whom the President, or, in his absence, the senior member of the Council, then residing at Fort William, was to be one), were to hold 'Quarter Sessions of the Peace, Four Times in the Year, within the District[1] aforesaid', and to be, 'at all Times hereafter', 'a Court of Record, in the Nature of a Court of Oyer and Terminer, and Gaol Delivery'. Moreover, they were to be, 'at all Times hereafter,' 'Commissioners of Oyer and Terminer, and Gaol Delivery, for the trying and punishing of all Offenders, and Offences (High Treason only excepted) had, committed or done, or to be had, committed or done, within the said Town of' Calcutta at Fort William, or 'within any of the . . . . Factories or Places subordinate thereunto'.[2]

to hold Quarter Sessions, and be a Court of Record; and to be Commissioners of Oyer and Terminer, and Gaol Delivery.

The President and Council were, whether acting as the Justices of the Peace or as the Commissioners of Oyer and Terminer, and Gaol Delivery, 'to proceed', as far as local circumstances would allow, 'by Indictment, or by such other

be as few and the Fees as moderate as possible, that the Suitors may find Relief without Oppression, and as this Court is calculated for the Benefit of the poorest of the People, We hope none of our Servants or of the Inhabitants that shall be nominated as Commissioners will decline the Service, as by an honest and faithful discharge of their Duty they may be a Blessing to the People'.

— See Firminger's first article previously referred to on page 541 (foot-note).

[1] Obviously, the term here means the town of Calcutta and the factories subordinate thereto.

[2] According to one Mr Russell, who had resided in Bengal for several years and who gave evidence before the Parliamentary Committee to which we have already referred in this and in the preceding Chapter, 'the jurisdiction of Oyer and Terminer' extended 'to natives as well as Europeans'. Mr Becher – another witness before the Committee – held, however, that 'this jurisdiction with respect to natives' extended only to such of them 'as lived under the British flag; and . . . . that where sentence was pronounced against natives, the practice was to apply for the consent of the (Nawab's) Government before it was executed.' – *Vide the Sixth Report from the Committee of Secrecy, House of Commons,* 1773.

Ways, and in the same or in the like Manner', as in England: and, for that purpose, to issue their warrant or precept to the Sheriff, 'commanding him to summon a convenient Number of the principal Inhabitants, within the said District[1], to serve and attend as Grand and Petit Jury, at the said Courts respectively'. Further, they were to administer to the jurors 'the usual Oath taken in England, by the Grand and Petit Jury', and 'to the Witnesses, ... produced, for or against the Party to be tried, a proper Oath or Affirmation'[2]. Moreover, they were to proceed, as far as local circumstances would admit, 'to the Arraignment, Trial, Conviction and Punishment, of Persons accused of any Crimes or Offences (High Treason only excepted) in the same or the like Manner and Form', and to 'do all such other Acts' as the Justices of the Peace or Commissioners of Oyer and Terminer, and Gaol Delivery, as the case might be, might lawfully do in England. Finally, they might 'assemble and adjourn, at and unto such Times and Places as' they judged convenient.

The President and Council to be sworn

The President of Fort William was required by the Charter to take, 'before the Council there, or the major part of them', an oath, 'faithfully to execute the said Offices of Justice of the Peace, and Commissioner of Oyer and Terminer, and Gaol Delivery', together with an oath of allegiance[3], which oaths the Council[4] was empowered by the Charter to administer to him. The President, again, was authorized to administer, after he had himself taken the oaths, 'the same Oaths to the Rest of the Council, as Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery'.

It may be noted in this connexion that 'no Proceedings',

[1] See foot-note 1 on page 574.

[2] 'That is to say, an Oath upon the Holy Evangelists, to any Witness or Witnesses, who shall profess the Christian Religion; and to administer an Oath or solemn Affirmation, to any other Witness or Witnesses, Natives of India, in such Manner as they, according to their several Casts (*sic*), shall esteem to be most binding on their Consciences, to oblige them to speak the Truth'.—See the Second Charter.

[3] Obviously to the Crown.

[4] Or a majority thereof.

Proceedings already begun not to abate.

which would, at the time of the arrival of the new Charter at Fort William, 'be depending' before the Mayor's Court at Calcutta, or before the Justices of the Peace, or before the Commissioners of Oyer and Terminer, and Gaol Delivery there, under what[1] we have called the first Charter of Justice, were to be in any way 'abated or discontinued' as a consequence thereof, but were to 'be proceeded upon', under the new Charter, 'in the same Manner, to all Intents and Purposes, as if all and every such Proceedings had been had and commenced under the same, and by Virtue thereof'.

A general Power for making By-laws and imposing Penalties.

In the tenth place, the Charter empowered 'the respective .... Presidents and Councils, of the several Towns and Factories of Madraspatnam[2], Bombay, and Fort William', as well as the Court of Directors of the Company, 'to make, constitute and ordain', from time to time, 'By-Laws, Rules and Ordinances, for the good Government and Regulation of the several Corporations and Courts, ... erected' thereunder[3], 'and of the Inhabitants of the several Towns, Places and Factories[4] aforesaid'; and further, 'to impose Reasonable Pains and Penalties upon all Persons offending against the same, or any of them'. But all such 'By-Laws, Rules and Ordinances, and all Pains and Penalties, thereby to be imposed', were to be 'agreeable to Reason, and not contrary to the Laws and Statutes' of Great-Britain[5]. And 'no such By-law, Rule or Ordinance', made by the President and Council of either Madras, Bombay or Calcutta, was to be 'put in Execution', or to 'have any Force or Effect whatsoever', until the same was 'approved and confirmed, by Order, in Writing, of the said Court of Directors'.

It may be mentioned here that the new Charter also practically repeated the provisions[6] of what we have called

[1] I.e., the Charter of 24th September, 1726.

[2] I.e., Madras.

[3] I.e., the Mayor's Courts and the other courts of justice erected under the Charter.

[4] That is to say, Madras, Bombay and Calcutta.

[5] The exact expression in the Charter was *this Realm*. It obviously meant here, in the light of its context, *Great Britain*.

[6] See pages 551-52 *ante*.

the Supplementary Charter of 17th November, 1727, regarding the grant of fines, etc., to the Company. Thus it granted to the Company for ever 'all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money whatsoever' as had 'already been', or might in future be, lawfully imposed upon any person or persons, in or by any court of justice erected under the First Charter[1], or under its own authority[2], as the case might be, 'without any account .... to be rendered or paid for the same', to the Crown; and empowered the Company 'to sue for, recover and levy, all and every the said Fines', etc. Further, the Charter directed the Mayor and aldermen of Calcutta, the President and Council of Fort William acting in their different judicial capacities derived from it, as well as all other persons concerned in the administration of justice under its authority, 'to cause to be paid over to the ...... Company ...... from Time to Time, all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money' as might be 'imposed upon any Person or Persons as aforesaid, and .... paid or satisfied by such Person or Persons, or recovered and levied' otherwise in a lawful manner.

Grant of fines, etc., to the Company with Power to sue for and recover the same.

Eleventhly, the Charter empowered the Mayor's Court at Calcutta to grant probate of wills, and letters of administration. Briefly[3] speaking, it declared that if any person died within the 'Town of Calcutta, at Fort William, in Bengal, or the Limits or Districts of the same, or the Factories subordinate thereto', and had, by a will before his death, appointed any person or persons, residing within the town, 'or the Limits thereof, or the Factories aforesaid, to be his Executor or Executors', then in such case the Mayor's Court at Calcutta, 'upon Proof made of the due Execution of the said Will', was to grant, under its seal, 'Probat(e?) of the ... Will'. As a consequence, the person or persons, 'so named Executor or Executors', were to 'have full Power, and ample Authority', to act as such, 'touching

The Mayor's Court empowered to grant Probate of Wills, and Letters of Administration.

[1] I.e., the Charter of 24th September, 1726.
[2] I.e., under the authority of the Charter of 8th January, 1753.
[3] For details, see Appendix 21.

the Debts and Estate' of the testator, 'within the Limits[1] of Trade granted' to the Company. If, however, any person died, within any of the afore-mentioned places, 'Intestate, or not having appointed some Person or Persons' residing therein, 'to be his Executor or Executors', then, 'in either of these Cases', the Mayor's Court was to grant, in certain circumstances[2], 'Letters of Administration, or Letters of Administration with an authentick Copy of the Will annexed', as the case might be, to such person or persons, then residing within its jurisdiction—the next-of-kin of the deceased, or, failing him, his principal creditor, etc.,—and subject, in certain cases, to such condition, as were permitted[3] by the Charter. All administrators so appointed were to act, 'in all Respects', as such, 'touching the Debts, Effects and Estate' of the deceased within the limits of trade granted to the Company[4].

A general direction in regard to oaths to be taken by every member of the Mayor's Court and the officers, etc., thereof.

Twelfthly, the Charter gave a general direction in regard to certain oaths to be taken by every member of the Mayor's Court, acting as a judge thereof. Thus it first enjoined that every person who was 'nominated, appointed, or elected to be Mayor, or One of the Aldermen' of the town of Calcutta at Fort William, was, before he entered upon the execution of his office, to 'take an Oath, in the most solemn Manner', before the President, or, in his absence, before any two members of the Council, of Fort William—they were empowered by the Charter to administer such oath—that he 'will, to the best of his Skill, duly and justly execute the Office of One of the Judges of the said Court, and impartially administer Justice, in every Cause, Matter or Thing, that shall come before him'. It then added, however, that no person would 'be capable of any of the Offices herein-before mentioned'[5] till he had taken the oath of allegiance

[1] I.e., between the Cape of Good Hope and the Straits of Magellan. Also see pages 104–5 *ante*, foot-note.
[2] For further details, see Appendix 21.
[3] For details, see Appendix 21.
[4] See foot-note 1 above.
[5] This presumably means, regard being had to the context, not only the members of the Mayor's Court, but also all officers, etc., thereof. Also see pages 568–69 *ante* in this connexion.

to the Crown. The President of Fort William, or in his absence, the two senior members of the Council, then residing there, were to administer this oath.

The Courts and Powers to follow, in the event of the removal of the Seat of the Presidency from Calcutta.

Next, the Charter ordained that, if, for the convenience of its trade or for some other reason, the Company thought it fit to remove the Seat of its Presidency from its principal settlement of Calcutta at Fort William to any other place subordinate to it, and declared the latter to be the new Seat of its Presidency, or its principal settlement, in place of the former, 'then, and in every such case', it would be lawful for the Company 'to hold, use, exercise and enjoy, a Mayor's Court and Court of Request(s)', there. Further, its President and Council would in that case continue to be its Justices of the Peace, and its Commissioners of Oyer and Terminer, and Gaol Delivery, at the latter place. Moreover, the Mayor and aldermen and the Commissioners of the Court of Requests were to be chosen out of the inhabitants of the latter place in the same manner as they were directed by the Charter to be chosen out of the inhabitants of Calcutta. And these courts of justice were to 'continue, use, exercise and enjoy, all and every the like Jurisdictions, Privileges, Powers and Authorities whatsoever', at the latter place, and 'the Places, Districts and Factories which shall be subordinate (to?) and dependent thereon', as formerly in the case of Calcutta and its dependencies. Finally, 'in such Cases, all and every such Court' (*sic*) was to 'bear the Name or Stile of the Place' which would be 'so appointed' to be the new Seat of the Company's Presidency or its principal settlement.

What would happen if the Company *temporarily* lost the possession of Calcutta.

And if the Company for a time lost the possession of its principal settlement of Calcutta, or of any other place which it might later on[1] declare to be its principal settlement in its stead, whereby the proceedings of the different courts of justice established there by the Charter, or the election of officers there as directed by it, were, or might be, 'suspended or delayed', and if afterwards such settlement was restored to the Company, then 'in every such Case, and as often as'

[1] See the preceding paragraph.

this would happen,' 'the same' was not to be 'deemed, or construed, to be a Dissolution of any such Corporation or Court[1]'; and it would in that case be lawful for the Court of Directors 'to nominate and appoint' all such officers as were to be appointed under the Charter in the normal way. Such officers were to continue in office until such time as others were duly chosen in their place, as directed by the Charter; and were to 'have, use, hold, exercise and enjoy, all and every the same Jurisdictions, Powers and Authorities whatsoever, as might have been exercised and enjoyed, at such Place' (by others appointed or elected under the Charter in the ordinary way), if the 'Company had never lost the Possession thereof'.

The Company empowered to appoint Generals and other military officers; to raise and maintain Forces, Seamen, and Ships of Defence; and to repel Invasions.

We may further mention here that, curiously enough, the Charter, which was chiefly concerned with the question of the administration of justice at Calcutta, also dealt, like the Charter of 24th September, 1726, with matters of a military character. Thus it declared that the Company was to have 'full Power and Authority, from Time to Time, to name and appoint such Person and Persons' as they might think fit, 'to be General or Generals of all the Forces by Sea and Land, of or belonging to' the town of Calcutta at Fort William and the places and factories subordinate to it; and to appoint such other military officers as it might consider 'meet and requisite, for the leading, conducting and training up, the Inhabitants of the said' town, factories, etc., 'in Martial Affairs', and 'for the raising and maintaining such a Body of standing Forces' within those places, 'and such a Number of Seamen, and Ships of Defence', as might be thought 'necessary for the Defence and Safeguard of the same'. All these military officers were to hold office during the pleasure of the Company. They were empowered, 'according to the Tenour of . . . . their respective Commissions and Instructions, to assemble, exercise in Arms, Military Array, and put in warlike Posture the Inhabitants of' Calcutta and its dependencies, 'for their Defence and Safety; and to lead and conduct them, and to

[1] I.e., the Mayor's Court, the Court of Requests, etc.

encounter, expel and resist, by Force of Arms; and also to kill, slay and destroy, all such Persons' as might, 'in an hostile Manner, attempt or enterprise the Destruction, Invasion, Detriment or Annoyance', of any of the Company's subjects within those places, 'or any of their servants, or Persons dealing with them'. And, 'in Time of War, or open Hostility', they were authorized 'to use and exercise Martial Discipline, and the Law Martial, in such Cases as Occasion' 'necessarily' required, and as might 'legally be done: and to take and surprise all and every such Person or Persons, with their Ships, Armour, Ammunition and other Goods as' might 'in hostile Manner, invade, or attempt the defeating, or Destruction of the said' places, 'or the Hurt of any' of the subjects of the Crown living there, or any of 'their Servants, or Persons employed by them, and, upon just Cause, to invade and destroy the Enemies of the same'.

Lastly, the Charter declared that the Crown reserved to itself 'full Power and Authority', upon any application made to it for that purpose by the Court of Directors, 'to revoke, vary, alter, annul and make void' the Charter itself, 'and every Matter, Clause and Thing therein contained', and to grant to the Company 'such new, further or other Powers, and Authorities' as it might 'in that Behalf think fit'.

Chief Points of Difference between the Charter of 1726 and that of 1753.

We have given above a summary of the chief provisions of the Charter of 8th January, 1753, in so far as they related to Fort William, with which alone we are concerned in this work. There were many points of agreement between this Charter and the Charter of 24th September, 1726. There were also some points of difference between the two. We may notice[1] here some of the points of difference.

In the first place, under the Charter of 1726, a new Mayor was to be elected by the Mayor and aldermen of Calcutta, for the time being, out of the aldermen of Calcutta. Under the Charter of 1753, however, the Mayor and aldermen, for the time being, were only to elect two persons, out of the

[1] Also see Russell's remarks in this connexion in his *Collection of Statutes*, etc.

aldermen of Calcutta, and to present them to the President and Council of Fort William for the choice of a new Mayor. The latter then were to choose one of these two persons to be the new Mayor of Calcutta.

Secondly, under the former Charter, a vacancy in the office of alderman was to be filled by the Mayor and aldermen of Calcutta, for the time being; but, under the latter, such a vacancy was to be filled by the President and Council of Fort William.

Thirdly, under the former, the Mayor's Court could 'try, hear and determine, *all*[1] civil Suits, Actions and Pleas, between Party and Party' within the town of Calcutta, or within 'any of the Factories subject or subordinate thereunto'; whereas, under the latter, it was not to have, unless with the consent of both parties, any jurisdiction over such suits between the Indian Natives of Calcutta 'only'.[2]

Finally, the Charter of 1753, unlike that of 1726, provided, as we have seen before[3], for the establishment of a Court, to be called the Court of Requests, for the recovery of small debts[4].

We have described above the constitution and functions of the several courts of justice ordered to be established at Calcutta by the Charter of 8th January, 1753. As we have seen before[5], this Charter was promulgated[6] at Fort William on the 5th of October, 1753, and the Mayor's Court constituted thereunder held its first sitting on 11th October, 1753. We shall now, before we proceed further, say a few words in regard to the working of some of the courts of justice established under the Charter.

We find from the evidence[7] of one Mr Whittall who

[1] The italics are ours.
[2] See foot-note 2 on page 563 in this connexion.
[3] See pages 572–73 *ante*.
[4] Not exceeding 'the Value of Five Pagodas'.
[5] See page 556 *ante*.
[6] Under a term of the Indenture of 6th January, 1753, to which a reference has been made before, the new Charter could not actually come into operation 'until Thirty Days next after the arrival' thereof at Fort William.
[7] See the *Sixth Report of the Committee of Secrecy, House of Commons*, 1773.

appeared as a witness before the Parliamentary Committee, to which reference has previously been made in this and in the preceding Chapter, and who had 'resided at Calcutta from 1764 to 1770, as a free merchant, and also as an attorney[1] in the Mayor's Court', that, although this Court could not 'legally issue process beyond the bounds of Calcutta, or its subordinate factories, yet that he had known their[2] process issued to and executed in all parts of Bengal, under special order of the Governor and Council, granted or refused at their discretion, and that in all these cases the process was sent to one of the Company's servants; that he understood the criminal jurisdiction of the Sessions[3] to have the same extent as the Mayor's Court, and that he had known native (s?) sent from every part of the country to be tried in that Court[4]'. Further, the witness said that 'he had known frequent instances of the Mayor's Court refusing to admit an appeal against its proceedings, on pretence of their being interlocutory only and not final'; that 'he had known attorneys reprimanded in the Mayor's Court for appealing against its proceedings'; that he had 'known the Mayor's Court refuse to take cognizance of causes arising within their jurisdiction, insisting that they had a right to refuse them'; that 'he had often known an attorney of the Mayor's Court threatened by the Governor, and by several of the Aldermen, for attempting to bring an action against one of the Company's servants'; and that 'any servant of the Company, against whom an action is intended, often intimidates the attorney by threat of applying to the Governor'. Lastly, he remarked that the judges of the Mayor's Court 'are not persons educated to the law, but any of the junior servants'. (*sic*)[5]

[1] Mr Whittall had been dismissed from the office of Attorney by an order of the Mayor's Court, and this 'was afterwards made a matter of complaint to the Court of Directors'.

[2] I.e., the Mayor's Court's.

[3] Presumably, the Court of Quarter Sessions.

[4] It is not very clear whether the expression 'that Court' refers to the Mayor's Court or to the Sessions Court. It seems to us, however, regard being had to the context, that the expression refers to the Sessions Court, although it appears to refer to the former.

[5] See the *Sixth Report from the Committee of Secrecy, House of Commons*, 1773.

In one of its reports[1] submitted to the House of Commons for its consideration, the Parliamentary Committee itself referred to what it characterised as 'some very singular circumstances in the constitution of the civil and criminal courts' established under the Charter, which seemed, in its view, 'materially to affect their independence and their efficacy'.

In the first place, the Committee said, 'although the Mayor's Court is intended not only to try causes between party and party, and the Court of Oyer and Terminer and Gaol Delivery to punish the crimes of private individuals, but the former also to try causes in which the Company itself is a party, and the latter to punish the offences of any of its principal servants, yet the judges of these courts are removeable (*sic*) from those offices, by virtue of which they exercise their judicial functions, at the pleasure of the President and Council, and that such sentence cannot be reviewed but by the tedious mode of an appeal to his Majesty in Council'.

The Committee, therefore, rightly, doubted 'whether courts thus constituted can be considered as free and independent judicatures, in any case where the Company is a party, or where any member of the Council is prosecuted on a criminal charge'.

Secondly, the Committee, observed, 'although these courts, at least with respect to Europeans, are bound to judge according to the laws of England, yet the Judges of these courts are not required to be and in fact have never been, persons educated in the knowledge of those laws by which they must decide; but that any junior servants of the Company are selected (for) these important trusts, affecting the property, the liberty, and the lives of his Majesty's subjects in Bengal'. The Committee added[2], however, that it appeared to it that the judges of these courts were 'justly sensible of their own deficiency of knowledge in the laws of England'; that, therefore, they, as well as the President and Council (of Fort William), had 'frequently applied to the Court of Directors, to lay particular points respecting their

[1] See the *Sixth Report from the Committee of Secrecy, House of Commons*, 1773. [2] See *ibid.*

jurisdiction, before counsel, and to transmit the opinions of such counsel, to be the guide of their conduct'; that some instances of this kind had been laid before the Committee, relating to the ecclesiastical and the criminal jurisdiction of these courts; and that doubts had particularly arisen whether the Charter allowed these courts 'to take cognizance of murders, robberies, and other crimes, committed by Europeans, not immediately under the Company's flag'.

But 'whatever doubts have been entertained in Bengal, on this subject'[1], said the Committee in conclusion, 'it is clear, by the very terms of the charter of justice, that the jurisdiction of the court of oyer and terminer, and gaol delivery, is restrained to offences committed within the town or district of Calcutta. and its subordinate factories: the consequence of this, in the present situation of Bengal, is, that there are many of his Majesty's subjects, residing in Bengal, neither under the protection or controul of the laws of England, nor amenable to the criminal judicatures of the country'.

Provisions for Prosecution in England.

We have so far dealt in this and the foregoing Chapter with the provisions for the administration of justice within the province of Bengal, during the period from 1765 to 1774. We shall now, before concluding the subject of judiciary, say a few words in regard to the 'provisions' of law, obtaining during the same period, 'for the trial and punishment in England of offences committed by the Company's servants in Bengal'. These provisions were made by two Parliamentary statutes—one[2] passed in the year 1754 and the other[3], in 1770[4]. The Act of 1754[5], intituled[6], 'An Act for punishing Mutiny and Desertion of

[1] I.e., on the subject of the jurisdiction of the courts set up under the Charter of 1753.

[2] 27 Geo. II, Cap. IX.

[3] 10 Geo. III, Cap. XLVII.

[4] See *the Sixth Report from the Committee of Secrecy, House of Commons*, 1773; also Russell, *A Collection of Statutes*, etc., London, 1794; also Ilbert, *The Government of India*, 3rd Edition, p. 34 & p. 302.

[5] 27 Geo. II, Cap. IX.

[6] See *the Sixth Report from the Committee of Secrecy, House of Commons*, 1773; also Russell, *A Collection of Statutes*, etc., London, 1794.

The Act of 1754. Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East Indies,[1] and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena', *in essence* provided[2], among other things:

'That if any of the Company's Presidents or Council, at any of their principal settlements, or their Governor or Council at the Island of Saint Helena, shall, after the 25th of March, 1754, be guilty of oppressing any of his Majesty's subjects[3] beyond the seas, within their respective jurisdictions or commands, or shall be guilty of any other crime or offence contrary to the laws of that part of Great Britain called England, or in force within their respective jurisdictions or commands, such oppression, crimes or offences, may be enquired of, heard, and determined, in his Majesty's Court of King's Bench, within that part of Great Britain called England, or before such Commissioners, and in such county of that part of Great Britain called England, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county; and that such punishments shall be inflicted on such offenders as are usually inflicted for offences of the like nature, committed in that part of Great Britain called England'.

It is clear from the above that the Act of 1754 made a provision for the trial and punishment in England of acts of oppression and other offences committed by any President or by any member of the Council at any of the Company's settlements in the East Indies, or at Saint Helena.

The Act of 1770. The Act of 1770[4], which was entitled 'An Act for better regulating Persons employed in the Service of the East India Company, and for other Purposes therein mentioned', was,

[1] In one copy, the punctuation-mark here is a semicolon and not a comma.
For the meaning of the expression *East Indies*, see page 105, foot-note, *ante*.

[2] See *the Sixth Report from the Committee of Secrecy*, etc., 1773; also Russell, *op. cit.*

[3] See foot-note 3 on page 587 *post.*

[4] 10 Geo. III, Cap. XLVII.

however, much more comprehensive in this respect. Section 4 of this Act declared[1] in effect:

'That if *any person or persons whatsoever*,[2] employed by or in the service of the Company, in any civil or military station, office, or capacity whatsoever, in the *East Indies*, or deriving or claiming any power, authority, or jurisdiction from the said Company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's subjects[3] beyond the seas within their respective jurisdictions; or, in the exercise of any such station, office, employment, power, or authority, shall be guilty of any other crime, or offence; such oppressions, crimes, and offences, shall and may be enquired of, heard, and determined, in his Majesty's Court of King's Bench in England; and such punishments shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England; and that the same and all other offences committed against this act, may be alleged to be committed, and may be laid, enquired of, and tried in the county of Middlesex.'

We have stated above the provisions made by law for the trial and punishment in England of offences committed by the Company's servants in Bengal (and also elsewhere). These provisions, however, could not, as we shall shortly see, be of much efficacy as there were many practical difficulties in the way of their strict enforcement. The Parliamentary Committee referred to before,[4] inquired of several of the witnesses who gave evidence before it and who 'were best acquainted with

[1] See the *Sixth Report from the Committee of Secrecy*, etc., 1773; also Russell, *op. cit.*

[2] The italics are ours.

[3] It is not very clear whether the expression 'his Majesty's subjects' included persons of Asiatic descent. *Probably*, it did not; nor could it technically do so as yet. Ilbert has also said that 'the expression "His Majesty's subjects" in the Act of 1770 (10 Geo. III, c. 47, s. 4) was used at a time when it was very doubtful how far the sovereignty of the British Crown extended over natives of India, at all events outside the presidency towns, and was possibly intended to be used in the narrower sense formerly attributed to the expression "British subjects"', as not including persons of Asiatic descent.
See Ilbert, *The Government of India*, 1916, p. 284.

[4] See page 442 *ante*, foot-note 2.

Bengal, whether it was possible to bring natives from that country[1] to England to give their testimony in any prosecution or suit to be commenced here[2] for matters done or arising in Bengal'. All the witnesses who spoke to this point, informed the Committee that, although 'they knew no obstruction to the bringing over Mahometan witnesses, but the length and expence of the voyage, they considered it as absolutely impossible to bring over any witness of the Gentoo religion; it being one of the established principles of that religion, that water is sacred, and that to defile that element (which according to their notion is done by many unavoidable acts) is a profanation, for which any person so offending would forfeit his cast (*sic*); that if any Gentoo could be prevailed on to cross the sea, in order to come to England, they must necessarily be persons destitute of those principles, which they are taught by their profession to revere, and therefore unworthy to receive credit as witnesses.'[3]

The Committee itself has also observed[4] that, 'in many cases, which might be proper subjects of prosecution' in England, 'the testimony of British subjects, or other Europeans residing in Bengal', might be necessary; but that 'the difficulty and expence of bringing over these, or any witnesses' seemed 'an almost unsurmountable obstruction to the use and efficacy of the statutes[5] allowing prosecutions in England for offences committed in India'; and that 'the same circumstance equally' obstructed 'the attainment of justice by civil action of any nature, for any injury received or demand arising in that country'.

Moreover, there was another difficulty to which the Committee thought it necessary to refer. It appears from what it stated[6] in this connexion that the General Court of Proprietors (of the Company) used to exercise the power of 'putting a stop to prosecutions (in England) ordered by the Court of

[1] I.e., Bengal. [2] I.e., England.
[3] See *the Sixth Report from the Committee of Secrecy*, House of Commons, 1773.
[4] See *ibid*. [5] See pages 585–87 *ante*.
[6] See *the Sixth Report from the Committee of Secrecy*, House of Commons, 1773.

Directors '.[1] This, the Committee naturally warned, 'may tend greatly to defeat the efficacy of the statutes[2]; as the person charged, especially where he is or has been in any considerable station in the Company's service, may have it in his power, by the management of his friends, to contrive at

[1] Thus we find in the *Sixth Report* of the Committee that the Court of Directors had, 'upon the opinion of the Attorney General (of England) and (the) Company's Counsel', ordered the prosecution—a bill had been actually filed in Trinity Term, 1766, for that purpose—of "Messrs. Johnston (e), Leycester, Burdett, Senior, and Grey, for an account and payment to the Company of divers large sums of money, jewels, and other valuable things, obtained from the Nabob (i.e., Nazm-ud-Dowla) and his ministers (see foot-note 4 on page 15, *as continued* on page 16) under the denomination of presents, in breach of their covenants with the Company; that after the defendant, Johnston(e), had obtained several orders for time to answer, and before any of the defendants had put in their answers, the General Court, on 6th May 1767, Resolved, 'That the various prosecutions commenced by order of the Court of Directors, in the name of the (East) India Company, against their former servants in Bengal, and also all attachments ordered against the effects of such servants on account of presents received before signing the covenants on the 9th of May 1765, be discharged'".—See *ibid*; also para. 72 of the General Letter referred to below in this foot-note.

We may note here what the Court of Directors wrote to the President and Council of Fort William, with reference to this resolution of the General Court of Proprietors of the Company :—

'You are hereby directed to conform to and carry the said Resolution into execution accordingly, and we have thought proper to extend the same indulgence to the servants under prosecution for the sums taken from the Rajah of Burdwan and Midnapore Zemindars, in which the conduct of those who passed those accounts was almost as unjustifiable as those who actually received the money, and the Bonds taken from Messrs Marriott, Watts, Lawrell, Goodwin and Graham, etc., on those accounts are accordingly to be delivered up.

'Our servants must not presume on this indulgence or think it will be an example for future times. As the Company now pay to the Government a large sum out of the Revenues, it becomes us to be very watchful of the administration of them. We shall expect the most rigid integrity in every department, for if those who are at the head of these important offices which now fall under the Conduct of our Servants do not set the Example of the most untainted honesty and fidelity, venality will soon spread itself through every Rank and the Revenues on which we depend for the support of a permanent Establishment and for a return for the many imminent dangers (to ?) which we have been exposed since we were first forced into the country Wars will instead of a source of prosperity and security to the Company, become the prey of rapacious Individuals and bring danger and dishonour to our affairs.'

See in this connexion paras. 72–74 of the General Letter from the Court of Directors to the President and Council at Fort William, dated 16th March, 1768.

[2] See pages 585–87 *ante*.

some time or other, by a majority of a General Court, to put a stop to the intended or depending prosecution'.

We have in this and in the preceding Chapter given a brief account of 'the state of judicature' in Bengal during the years 1765–74. We have also seen in this connexion the measures which the Company adopted from time to time, with a view to reforming the system of administration of justice in this province. Some of these measures may have failed of the object which their authors might have had in view; but it should in all fairness be admitted that, on the whole, they were inspired by a genuine desire on the part of the Company to improve the judicial system of the province, and to ensure a fair standard of justice to its people. We may also observe here that, although, as we have seen before, individual servants of the Company were often guilty of conduct which brought discredit both upon themselves and upon the Company, there were many superior servants of the Company, whose actions were not seldom characterised, as the following extract from a General Letter[1] from Bengal to the Court of Directors will show, by a commendable sense of justice :—

'By the Proceedings of a Court Martial lately held at Barrampore You will perceive that four Soldiers named Thomas Sloper, Charles Hardgrove, Michael Williams and Thomas Terry *were condemned to be hanged*[2] for the murder of a native inhabitant near that place, a severe, but necessary Example.'

We need hardly say that such 'a severe, but necessary Example' of justice did certainly go a long way towards strengthening, in those days, the foundation of British rule in this country. How much one would wish that a similar sense of justice had always characterised the actions of later British administrators of India.

[1] See the General Letter to the Court of Directors, dated at Fort William 15th March, 1774, para. 99.

[2] The italics are ours.

CHAPTER IX[1]

SOME BASIC PRINCIPLES OF THE EARLY ADMINISTRATIVE SYSTEM OF THE COMPANY

WE have in the preceding Chapters shown how, in the first place, the Nawab of Bengal became by degrees a mere stipend-enjoying figure-head, 'a pensioner of state', a rubber-stamp for the use of the Company's servants in Bengal; how, secondly, the East India Company gradually built up, through various experiments, its political institutions in this province, chiefly from after its acquisition of the Diwani in 1765; and how, thirdly, both on the constitutional and on the administrative side, the Company, slowly but steadily, consolidated its position as the virtually supreme political authority in the province. In this concluding Chapter we propose to deal with some of the principles according to which the system of government the Company erected in Bengal—we might also say, in India—in the early days of its rule, was actually worked, and which we discovered while examining contemporary, official manuscript records.

Subordination of the Military to the Civil Authorities.

One of the fundamental principles underlying the early administrative system of the Company in Bengal as also in other parts of India, was the principle of the complete subordination of the military to the civil authorities in the country, necessarily involving civil control and supervision over military policy. As will be shown below, again and again the Court of Directors of the Company insisted, in its letters addressed to the President and Council at Fort William in Bengal, on the strictest conformity to this principle on the part of the Company's servants in the province. For instance, in its General Letter[2] to the

[1] The substance of this Chapter was originally published in *Bengal: Past and Present*, Vol. XLVIII, Part II, October-December, 1934.
[2] Para. 40.

President and Council at Fort William, dated 1st June, 1764, the Court stated:

'We need only remind you that all our officers and others in the Military Department are, as they ought, and were always intended to be according to the Constitution of the Company, Subordinate to and under the direction of the Civil Power of the President and Council, and We direct that this Fundamental Right be accordingly kept up and maintained in a proper manner.'[1]

Again, in a General Letter[2] to Bengal, dated 24th December, 1765, the Court wrote to the President and Council at Fort William:

'We remark with pleasure that You were unanimous in Your Opinion for putting Major Champion under the Command of the Chief of Midnapore. The Supreme Power being invested in our President and Council, they are to delegate their authority to whom they think fit; they are the proper Judges who (*sic*) they are to trust with it, and if they think fit to put a Military Officer, be his Rank what it will, under the Orders of a Civil Servant, the Military Officer must pay the same Regard to the Orders of Such Civil Servant, as he would to those of the Governor and Council.'

This instruction was in essence repeated by the Court in its letter[3] of 17th May, 1766, addressed to the Right Hon'ble Lord Clive:—

'We have not at present time to enter into the thorough examination of what your Lordship proposes[4] respecting the establishing of Rank & Precedence between our Civil &

[1] Also see pages 165–6 *ante* in this connexion.

[2] Para. 74.

The Court also directed in the same letter that, for such purposes as 'Alliance, Possession of Country or Collection of Revenues,' the Commanding Officer of the army (in Bengal) should 'always be accompanied by a Civil Servant in the character of a Field Deputy.' This direction, the Court added, however, was not to be followed when Lord Clive would take the field, because the Court had 'the utmost Confidence in him both in his Civil & Military Capacity.'—See the Court's General Letter to Bengal, dated 24th December, 1765, para. 69.

[3] Para. 10.

[4] For Clive's views, see pages 598–99 *post*.

Military Servants. In our Letter[1] of the 24th of December, we determined that the President & Council might delegate their authority to any Civil Servant they pleased, and every Military Officer, be his Rank what it might, should pay the same obedience to the orders of such Civil Servant, as to those of the President & Council. It is not meant however that such Civil Servant is to controul the Military Officer in the execution of Military operations which is his proper Department.'[2]

[1] See page 592 *ante*.

[2] The extract quoted below from the letter which Warren Hastings, President and Governor of Bengal, wrote to Lieutenant-Colonel Cummings on 24th June, 1773, may be of interest in this connexion, as it appears to have been written more or less in accordance with the direction of the Court of Directors contained in the text given above:—

Fort William
24th June 1773

'To

Lieutenant Colonel Cummings
of the 2nd Brigade

'Sir

'By the general orders of this day's date You are appointed to command the troops employed in Cooch Behar which service you will carry on under the authority and with the concurrence of Mr Purling the Collector of that District. Mr Purling is particularly directed not to interfere with Your Command in the conduct of military matters nor to dictate any points which depend on military knowledge or experience and all orders that he may give you respecting your operations must be with the reserve of discretional power in you, independent of his authority to conduct every military enterprize in the manner you judge best; for the result of which you alone will be responsible. Mr Purling will communicate to you the intentions of the Board or his own determination for accomplishing their intentions with which You will always comply as far as is practicable with the force under your Command. But if at any time the execution of the military operations he adopts appears to you improper or impracticable, you will represent to him Your opinion which I shall recommend to be his guide in all matters relative to the military transactions.

'The ordering of detachments and the judging what strength is suitable for particular services will rest with you. The fixing of posts for the security of conquests or possessions will also be your province; but the establishment of them and the regulating of all expenses must be with Mr Purling's concurrence. When Mr Purling orders any particular service to be executed by a party or detachment his order must be to you and not to any officers under your Command except in Cases of necessity which Mr Purling will take care to explain to you and the officer whom he applies to on such an occasion. All measures for the health & preservation of your own detachment are left solely to your own Choice to which Mr Purling's concurrence is only so far necessary as they may respect the state (of the ?) Country under his

Further, while dealing with the questions of the continuance, constitution and powers of the Select Committee at Fort William, the Court re-emphasized the principle of the subordination of the military to the civil authorities, in its General Letter[1] to the President and Council at Fort William, dated 12th January, 1768. Thus it declared that military operations should be conducted under the orders of the Select Committee, but that the supreme military power 'is vested in

protection or the general service entrusted to his direction. If at any time I should send orders respecting the service you will immediately acquaint Mr Purling with them that his directions may correspond with mine.

'I have been thus particular and explicit to prevent any misunderstanding between you and the Collector in the exact limits of your command. I hope that the line which I have drawn will prevent any clashing and disputes and that the service will be carried on with harmony. There is only one point moie which it may be necessary to mention.

'The delivering of a return being a form among military men whereby inferiority of rank as well as command is acknowledged, Mr Purling who holds an authority superior to yours only because he is employed on the part of the civil power and is in his own station of an inferior rank will not expect that you should deliver in a return to him, what information he may want respecting the strength of his (your?) Detachment you may communicate to him by letter or otherwise—I shall send a copy of the above instructions to Mr Purling and enjoin his adherence to them.

'But notwithstanding the above restrictions which I expect to be duly attended to yet if at any time the necessity of the service or whatever other motive Mr Purling might deem sufficient should induce him to issue an order that might appear to you inconsistent with these instructions you are not to dispute his authority for issuing such an order but implicitly to obey it reserving your complaint for the subject of a representation to his superiors to whom alone he is responsible for his conduct. . . .

'My last injunction to you is that you make use of every means in your power to conciliate the affections of the inhabitants and to impress them with an idea of the justice of our Government; for this purpose You will take the most effectual measures to prevent the troops or their followers from plundering or any way distressing the inhabitants, and You will industriously circulate the report of our firm intentions to persist in the reduction of the Country and never to give up any part of what we have acquired as a confidence in this will induce them the more readily to seek our protection.'

—See O. C. No. I (A), Secret Department, Fort William, dated 16th December, 1773; also the Secret Consultation, Fort William, of 16th December, 1773.

The letter from which this extract has been taken was enclosed in a minute which Hastings delivered as President at a Secret Consultation, held at Fort William on 16th December, 1773.

[1] Paras. 10–11.

the Board[1] at large conformable to the usual practice'. 'We have already,' it continued, 'in our Letter[2] of the 24th December 1765, Paragraph 74, expressed our Sentiments on the nature of Your Powers over the Military, not only that it is supreme, but that You may delegate Your Authority to any Civil Servant You please, and that the highest Officer in our Army must obey that Civil Servant in the same manner he is bound to obey the Orders of the President and Council;[3]

[1] I.e., the President and Council at Fort William.

[2] See page 592 *ante*.

[3] It may be interesting to refer in this connexion to the correspondence that once passed between Brigadier-General Sir Robert Barker, Commander-in-Chief of the Company's 'Forces under the Presidency' of Fort William, and the President and Council of Fort William. It appears from the (Secret) Proceedings of the Council at Fort William, dated 3rd May, 1773, that Brigadier-General Sir Robert Barker had written the following letter to 'the Honble Warren Hastings Esq President & Governor & Council of Fort William,' on 7th April, 1773:—

'Gentlemen

'A late circumstance has given an opportunity of addressing you on a subject which I have long had an intention of doing and which indeed now seems to call on me. I mean the Impropriety of granting to your Civil Servants the power of commanding and employing your military forces in the several districts of your provinces; the loss of reputation which our arms have suffered in several instances where these Gentlemen have exerted their military abilities would appear to cast a reflexion on my own conduct for not having made this representation before, but a delicacy which I have ever observed between the Civil & Military and a tenderness of urging any matter that would appear to carry a partiality to that department of which I am at the head, have hitherto kept me silent; now that I see the spirit of your officers dejected and their reputation thrown into the Hands of young men perhaps not of three years standing in the service, the Duty I owe to the Company oblige me to lay before (you?) this address.

'Mr Purling, Collector of Rungpoor has afforded several Instances in support of the imprudence of granting military command in the hands of your Civil Servants—Capt. Thomas an able and experienced officer, under this Gentleman's control was sent out after the Sunnassie Fakeers without acquiring a proper knowledge of their number and situation by which that officer and his party were cut off. The late retreat of Lieut Dickson's Detachment, in which our Seapoys were knocked on the head, with stones, commanded in person by Mr Purling as I am informed, is another instance where we have suffered a loss of reputation to our arms that may not be recovered without the loss of much blood and perhaps never whilst your military operations are to be conducted by the Collectors of the Revenues.

'Setting aside every consequence that may arise to the discredit of our arms by this mode of conducting Your military expeditions it is so mortifying a circumstance to your military officers that I am apprehensive when this becomes known you will have such men offer their services whose views only are intent on making money, at any rate

and upon any Doubt or Disobedience, or indeed for whatever Cause may appear sufficient to the Majority of the

without the expectation of reaping either reputation or credit in the service and I leave you to judge Gentlemen the Consequences of such a decline in your military department when such dispositions are charged with their discipline and manners

Head Quarters,
Camp near Raam Gaut,
April the 7th 1773.

I am Gentlemen
RT. BARKER '

In its reply, dated at Fort William 3rd May, 1773, the President and Council wrote to Sir Robert Barker, among other things :—

' We are Concerned to find that the power granted to the Civil Servants of the Company to command the military officers stationed within their jurisdiction, and to prescribe the services to be executed by the forces, should at this time be thought an Impropriety after having been admitted during the course of so many years and received the repeated sanction of the Company's express orders, without producing any ill effects that either appear on our records or have come within the compass of our personal observation.

' But we confess ourselves very sensibly alarmed to hear that the spirit of our officers is dejected by this practice; that it is so mortifying a circumstance to them as to give you occasion for the apprehension that when it becomes known men only of the most shamless (*sic*) character and from the basest views will offer their services to the Company. The instances which you have quoted of supposed misconduct in the Civil Servants are by no means sufficient to warrant so general a disgust or to forebode from them so total a degeneracy in the military Corps. If there are any other instances by which our arms have suffered a loss of reputation (as you allude to several) we wish to be made acquainted with them and it shall be our care to guard the service against the like evils by such remedies as we can constitutionally apply to them or as may not be productive of worse consequences . . . . .

' It would be superfluous if not presumptive to justify by general argument a principle which our superiors have dictated to us as a positive and irrevocable law. Their sentiments cannot be stronger expressed than in the following extracts from the general letters which we suppose to have escaped your recollection when your letter was written and which we are persuaded will remove all your doubts upon the propriety of the practice itself.'

(Then follows an extract from para. 11 of the General Letter from the Court of Directors, dated 12th January, 1768. It is quoted on pages 595-97 as, ' We have already, etc.,...... you are accountable.')

(Next follows the following extract from the General Letter from the Court, dated 25th March 1772, per *Grafton* :—)

' Para 113. Being convinced that many disadvantages must arise from the Pergunnah Sepoys being continued as a corps independent of the rest of our army it is our pleasure that the purgunnah Battalions be in future considered as part thereof and be on the same footing as those of the Brigades and that detachments from the whole Corps of Sepoys be in rotation stationed and employed under those persons who superintend the collection of the revenues.'

Council, *they may dismiss*[1] *any officer, be his Rank what it will, without assigning such officer any other Reason but your own Pleasure*,[2] reserving the Justification of your Conduct to us, from whom you derive your Authority, and to whom alone you are accountable.' And the Court made it definitely clear in another letter[3] of the same year that nothing could offend it more highly than that its 'Civil Servants should any way countenance or spirit up the refractory and mutinous behaviour of the military.'

Moreover, when dealing with the question of the military establishment for Bengal, in 1768, the Court reiterated[4] that the military officers were not only to 'obey their Superior

(The Council then continues—)

'As to any subsidiary or cautionary rules which may be established to prevent the Civil power from encroaching on the executive line of military duty we should be glad to be favoured with your opinion. Ours is simply this, that the Civil Officers shall direct every service which is to be performed & leave the execution entirely to the military officer who is under his command. If on any very extraordinary occasion the former shall judge it necessary to deviate from this line, he must be answerable for his conduct to his superiors, but *it is in his province to command, & it is the duty of the officer who have* (*sic*) *been placed under his authority, implicitly to obey*.'

(The italics are ours)

— See the Consultation, Secret Department, Fort William, of 3rd May, 1773.

It may also be noted here that in reply to another letter of Sir Robert Barker, dated 25th April, 1773, the Council wrote to him, on 31st May, 1773, among other things :

'It shall be always our study as it ever has been to support your authority while you have the command of the army but we shall never sacrifice the authority of government to support the personal credit of the Commanding Officer in direct opposition to our own commands.

We are etc.'

Fort William
31st May 1773.

— See the Consultation, Secret Department, Fort William, of 31st May, 1773.

[1] We also find in the Court's General Letter to the President and Council at Fort William, dated 16th March, 1768 (para. 126) :—

'You are not in future to oblige the military officers to contract to serve for any term as we shall not do so here. The Powers vested in our Presidents and Councils for Dismissing such officers as do not behave to their satisfaction will always be sufficient to keep the military under proper supervision to the Civil authority.'

[2] The italics are ours.

[3] See the Court's General Letter to the President and Council at Fort William, dated 16th March, 1768, para 64.

[4] See *ibid.*, para. 120.

Officers according to the Rules and Discipline of War,' but they were also 'to be entirely subject to the orders of the Governor and Council at each Presidency who are the Company's Legal Representatives as likewise to such Orders as they may receive from any of the Company's Civil Servants at their several subordinate Settlements to whom the Governor and Council shall think fit to delegate such authority.' It was also laid down[1] by the Court that, as these military officers were 'entirely subject to the authority of the Company's Civil Representatives,' the Governor and Council might, 'upon the misbehaviour of any officer,' take away, whenever they thought fit, his 'Commission without bringing him before a Court Martial, according to the general practice of the Service.'

We may also state here that the inferiority of the military to the civil power was, as we have seen before,[2] repeatedly asserted, either directly or indirectly, both in connexion with the position and powers of the Governor or President of Fort William and in connexion with the constitution of the Council and of the Select Committee thereof.

We may mention here that even Clive, who had been more a soldier than anything else, while holding the office of Governor of Bengal for the second time, again and again laid stress on this principle of the complete subordination of the military to the civil authority. Warning against the 'dangerous Evil' of 'the Encroachment of the Military upon the Civil Jurisdiction' and any 'Attempt to be independent of their Authority', he wrote[3] to the Court of Directors on 30th September, 1765 :—

'A Spirit of this Kind has always been visible; our utmost Vigilance therefore is requisite to suppress it, or, at least, to take Care that it shall not actually prevail. I have been at some Pains *to inculcate a total Subjection of the Army*

[1] See *ibid.*, para. 121.

[2] See pages 121-5; pages 153-177; pages 194-6; and also pages 254-260 *ante*.

[3] See Clive's letter to the Court of Directors, dated at Calcutta 30th September, 1765.

to the Government[1], and I doubt not you will ever maintain that Principle '.

' In the Field, in Time of actual Service ', however, Clive further observed, the Commander of the Company's forces should be ' implicitly relied on for his Plan of Operations; Orders from the Presidency may frequently embarrass him, and prejudice the Service: At such a Time, he is certainly the best Judge of what Measures should be pursued, and ought therefore to be trusted with discretionary Powers; but he should by no Means be permitted to vary from the first general Plan of a Campaign, nor, from his own Idea of the Company's Interest, to prosecute operations of Importance, when they are not also of real Utility and Emergency '. ' I dwell not however ', he said in conclusion, ' entirely upon the Conduct of a Commander of the Forces, as Such in the Field; he is to understand, that, upon all occasions, a Gentleman in the Council is his Superior, unless he also has a Seat at the Board,[2] and then he will of course rank as he stands in that Appointment. *The whole Army should in like Manner be subordinate to the Civil Power ; and it is the indispensable Duty of the Governor and Council to keep them so. If at any Time they should struggle for Superiority, the Governor and Council must strenuously exert themselves ; ever mindful that they are the Trustees for the Company in this Settlement*[3], *and the Guardians of public Property under a Civil Institution.*'[4]

Again, at the last meeting[5] of the Select Committee at Fort William over which he presided, Clive gave a warning[6] to his colleagues: ' The Danger of delegating too much of your Power to the army must never be forgotten. If you abate of your authority over them, Inconvenience & Uneasiness to yourselves may not be the only Consequences. *Experience has convinced us, that the army ought to be kept under the strictest subjection. I am not an advocate for*

[1] The italics are ours. [2] I.e., the Council at Fort William.
[3] I.e., at Fort William in Bengal. [4] The Italics are ours.
[5] Held at Fort William on 16th January, 1767.
[6] The italics in this paragraph are ours.

arbitrary Power; I am not desirous of exploding military Law, but the Civil Power, & authority of this Government, must be strenuously asserted, & notwithstanding the Confidence, that, on the most emergent occasions, may justly be reposed in the Field Officers, I would have it remembered, that *the immediate Power is vested in yourselves to dismiss any officer, let his Rank be what it will, without waiting for the sentence of a Court Martial.*'[1]

[1] As will appear from what is given below, Clive and his Select Committee had, previously, jealously maintained and acted up to the principle of the superiority of the civil power over the military.

At a meeting, held at Fort William on 5th October, 1765, and presided over by Clive, the Select Committee had passed the following resolution :

'Agreed that to prevent all disputes, & disagreements between the Civil & Military Power, the Chiefs of Subordinates (see p. 117) acquaint the Commanding Officers of the Brigades with the number of Troops required for the service of the Factory, *which Troops shall be absolutely under the Orders of the Chiefs*, but relieved weekly or as often as convenient by the Commanding Officer of the Brigade *tho always with the consent of the Chief*'. (The italics are ours).

—See the Proceedings, Select Committee, Fort William, of 5th October, 1765.

We may further note here what had happened at a meeting of the Select Committee, held at Fort William on 6th January, 1767, also under the presidentship of Clive. It appears from the proceedings of this meeting that the following address had been presented to Sir Robert Fletcher, 'late Lieutenant Colonel, Commander of the 1st Brigade of the Troops stationed at Mongheer', by 'several officers' of this Brigade, after the former had been 'cashiered' :*

'Sir,

'Being much concerned at the sentence lately past upon you, we beg Leave in this manner to make known unto you the anxiety we feel upon this occasion which . . . . . . (illegible) affects us, when we reflect that during the Time we had the Honour of being under your Command we were all well convinced of your abilities as a Commanding officer and the Propriety of your Conduct as a Gentleman: give us Leave to assure you, that the Reflection of your separation from us in so extraordinary a manner will be neverfailing source of Uneasiness to us. We hope however that this unfortunate Affair will prove the Means of setting your Character in a true Point of View, and that what was meant for your Destruction, may turn out to your Credit and advantage. In this Particular, and in every one of your Pursuits we sincerely wish you success.

'It is now only left for us to hope that the man who is to succeed you in Command may acquit himself in every Respect as much to our satisfaction as you have done. This will in some Degree compensate for the loss we have sustained in you, though Nothing will be able to obliterate our Remembrance of you.

Mongheer
Octr. 23 : 1766.

We are Sir'
etc.

We have stated above the views of the Court of Directors on the question of proper relationship between the civil and the military authorities in Bengal. While subordinating, however, the latter to the former, the Court was fully conscious of the risk that the enormous power which it was vesting in the civil authorities in relation to the military, might be abused by them. It, therefore, warned them against such abuse of power, in a General Letter[1] addressed to the President and Council at Fort William on 11th November, 1768. 'As we have', it said therein,[2] 'taken great precaution to establish the entire Dependency of the Military on the Civil Power, we shall deem you[3] and the Select Committee highly responsible for any abuse of that

This matter having been brought to the notice of the Select Committee by Brigadier-General Carnac, one of its members, the Committee declared its view thereon as follows :—

'Taking seriously into Consideration the Tendency & Spirit of the above address from the officers, which appears calculated to foment sedition, to throw an odium and to reflect Dishonor upon the Council & Court Martial, as if they had been influenced by partial and sinister Motives to pass sentence of Cashierment on Sir Robert ; & judging it to be essentially necessary to the Stability of this Government & security of the Company, that the Honor of the Board should be vigorously asserted, & the Authority of the Select Committee vigorously exercised in crushing every Attempt to revive that discontented and mutinous spirit which was so lately suppressed in the Army ; the Select Committee unanimously Resolve that the Address of the 23rd October to Sir Robert Fletcher contains Expressions mutinous and seditious in themselves, injurious to the Honor of the Council and Court Martial, and of dangerous Tendency to the Public.

'That the officers who subscribed to the above address shall be immediately dismissed the service, rendered for ever incapable of holding any Employ under the Company and sent Home by the ships of this season.'

It appears from the proceedings of the meeting that as many as fifteen officers were thus dismissed from the Company's service on this occasion.

—See the Proceedings, Select Committee, Fort William, of 6th January, 1767.

* (Sir Robert Fletcher had been tried by a court-martial, and, having been found guilty of mutiny, etc., adjudged to be cashiered. —For details, see Forrest, *The Life of Lord Clive*, Vol. II, 1918, pp. 319-26).

[1] See the Court's General Letter to the President and Council at Fort William, dated 11th November, 1768.

[2] See *ibid.*, para. 102.

[3] I.e., the President and Council at Fort William.

Power in the unequal distribution of Favour or Justice towards them'.

'We do expect from you and the Committee,' the Court continued,[1] 'the most delicate Conduct in the distribution of Military Rewards. It is a branch of Power delegated entirely to you, and it would shake the Civil Power very much should you by any partiality or injustice oblige us to revoke or annul any of your Actions; it therefore behoves you to be extremely circumspect in your conduct therein'.

Moreover, the Court stated in the same letter[2] :—

'We have in our Letter[3] to the Select Committee testi-

[1] See *ibid.*, para. 103. [2] See *ibid.*, para. 104.

[3] Reference here is to the following paragraphs in the Court's letter to the President and Select Committee at Fort William, dated at London 11th November, 1768 :—

'Para 40: It is with concern we see an interruption to that Harmony which ought to subsist among those who have the principal management of our affairs, more specially as Your Disputes are with Coll Smith, a member of the Committee and a Gentleman of whose Zeal and abilities we entertain a very favourable opinion, and we are glad to see by your last advices these alterations are at an end.

'Para 41 : We much approve your supporting your own Authority with Firmness and Dignity and you did right in checking what appeared to you Encroachments thereon but at the same time we think you have in several Instances failed in that confidence which is due to the Commanding Officer, who is at the same time a member of the Select Committee—while a Gentleman of his . . . . . (illegible) in the Civil and Military was stationed at such a distance as Allahabad, we think it was a mark of confidence due to him that all the correspondence between the President the King and the Vizier should have passed through his hands, which was not a mere matter of compliment, but necessary to make him appear respectable in their eyes and to form his own conduct upon, that it might coincide with your Views and Sentiments—we cannot but take notice that the Napaul Expedition was not only undertaken without consulting him, but the Commanding Officer of the Detachment on that service seems never to have corresponded with him or sent him his returns which is contrary to all the Rules of Military Subordination'.

It may be noted here that the President and Select Committee at Fort William had previously written to the Court of Directors :

'It is with very great concern we observe so great a part (of?) our Proceedings filled with disagreeable altercations between Colonel Smith and the Select Committee—We wish to preserve that harmony and unanimity which has so long subsisted between the members of this board as we are sensible such a conduct alone can tend to the prosperity of your affairs and to preserve that degree of subordination which is happily established among your Servants. In order therefore to remove every cause for future discontent between us & the Colonel, we have very fully pointed out to him the authority which we deem

fied our disapprobation of the altercations[1] between them and Colonel Smith. it (*sic*) is necessary for the reputation of your Administration that the Dignity of both should be preserved. We commend your checking all Encroachments on the Civil Power; but it is also essential that the Commander in Chief should appear to be supported by (you) in the due Exercise of his office, in this there is no medium he must either be supported or dismissed, and therefore without entering into the merits of the Question whether Colonel Smith did right or wrong in the orders he issued for subjecting the Seapoys to the Punishment of the Laws of England for Murder it was certainly wrong to put so great an indignity on him and to direct him to revoke his order in the most public manner had that been Executed it would have been such a Stigma on his character, as would have rendered him very improper for the Command of the Troops, and we must have been brought into the situation of losing an Officer of whose Zeal and Abilities we entertain a favourable opinion, to avoid the great evil of leaving the Civil Power unsupported even in a wrong case'.

Again, in a subsequent letter[2] the Court wrote to the President and Council at Fort William:—

'In our Letter[3] of the 11th November last, you were acquainted that we should hold you strictly responsible for

vested by Our Honble Employers in us, and in our President and we doubt not but such a step will be productive of that harmony in future which we are desirous to effect.

'A difference in opinion among us may easily arise, and cannot be deemed a crime in any person; but we wish to preserve it within proper limits; as we can never admit any single member of Our Board to act independently and even without previously consulting us on matters of the greatest importance—As we entertain the most favourable sentiments of the merits and abilities of Colonel Smith we chearfully (*sic*) consent to refer the subject of our differences to your impartial determination.'

—See the Select Committee's letter to the Court of Directors, dated at Fort William 24th March, 1768, paras. 12–13. Also see pp. 155–58 ***ante*** in this connexion.

[1] See what is stated further below in this extract, and also pp. 155–58 ***ante***.

[2] See the Court's General Letter to the President and Council at Fort William, dated 17th March, 1769, para. 58.

[3] See pages 601–603 ***ante***.

the exercise of the unlimited authority we had given you over the military '.

The Court of Directors and the Sepoy Battalions of the Army and its Artillery Branch.

Before we leave the subject of the military department, we should like to refer to two other principles—perhaps not so important as the one referred to above—which the Court of Directors desired to be followed in the composition of the army of the Company in Bengal. One of these principles related to the question of the formation of the Sepoy Battalions of the army, and the other to the artillery section thereof.

With regard to the formation of the Sepoy Corps, the Court wrote[1] to the President and Council of Fort William on 16th March, 1768, that the 'Establishment must in all its parts be calculated to enforce order discipline and subordination'. 'For', it continued[2], 'on this we must depend, and by this we are to hope to maintain our superiority and give security to our system of Government. These good purposes will be best secured by your paying them regularly, using them with humanity and giving the Battalions as many European Commission and non Commission Offers (Officers?) as the service can afford and Lord Clive informs us that as the Sepoys are separated and divided into three Brigades the danger of their holding Cabals of any alarming nature is in a great measure avoided, to which his Lordship adds that the best additional security he can think of is to *have each Battalion composed of an equal number of Gentoos & Mussulmen, and to encourage a rivalship of Discipline between them, all which we recommend to your attention*'.[3]

In regard to the artillery section of the army in Bengal, the Court wrote[4] to the President and Council of Fort William, on 23rd March, 1770, as follows:—

'As it is very essential that *the Natives should be kept as ignorant as possible both of the Theory & Practice of the Artillery branch of the Art of War*, we esteem it a very perni-

[1] See the Court's General Letter to the President and Council at Fort William, dated 16th March, 1768, para. 128.

[2] *Ibid.*

[3] The italics are ours.

[4] See the Court's General Letter to the President and Council at Fort William, dated 23rd March, 1770, para. 111.

cious practice to employ the people of the Country in Working the Guns, and therefore direct that in future Four European Artillery Men be constantly attached to the Service of the two Guns which belong to each Battalion of Sepoys and that *no native be trusted with any part of this important service*, unless necessity should require it'.[1]

Necessity, however, did require it. In a Secret Department Letter,[2] dated at Fort William 2nd April, 1771, the President and Council first wrote to the Court in reply: 'We are entirely of opinion that the more the Natives are kept in ignorance of the Theory and Practice of the Artillery Branch the better; but the almost impossibility of effecting this thro' the want of an adequate number of Europeans reduced us to the necessity of employing Natives in this Business'. And then, after explaining the difficulties arising from the inadequacy in the number of Europeans available for the artillery section of the army, they stated: 'It must appear manifest that the assistance of Lascars or Seapoys on this service become (*sic*) a matter of absolute necessity'. But they added:—

'The two Europeans now attached to the Guns of the Seapoy Battallions are employed in serving the Vent and pointing the Gun which being what requires the greater caution and the essential part that constitutes a good Gunner are two circumstances, *which the Natives will have no opportunity of learning*'.[3]

Any comment on this is perhaps needless.

Mutual Help and Co-operation.

Sir Courtenay Ilbert has said[4] that at the time of the enactment of what is popularly known as the Regulating Act of 1773[5] the three Presidencies of Bengal, Madras and Bombay 'were independent of each other', and that 'the Government of each was absolute within its own limits, and responsible only to the Company in England'. This statement is only

[1] The italics are ours.
[2] See the Secret Department Letter to the Court of Directors, dated at Fort Willian 2nd April, 1771, para. 5.
[3] The italics are ours.
[4] See Ilbert, *The Government of India*, 1916, p. 42.
[5] 13 Geo. III, Cap. LXIII.

technically correct. Legally speaking, it is true that the three Presidencies were independent of one another; but otherwise they were greatly dependent upon one another[1]. And, as a matter of fact, one of the most important principles which underlay the early system of Government of the Company in this country, and which the Company repeatedly enjoined the three Presidencies to follow in relation to one another, was the principle of mutual help and co-operation amongst them for the common benefit of the whole. This will be evident from what follows.

On the 26th of March, 1755, the Court of Directors wrote[2] to the President and Council at Fort William, with reference to the 'Great Naval Preparations' which France had been making for sometime past, causing an alarm to the British nation:—

'Although We expect that Our Three Presidencies[3] at all times act in concert and with mutual Harmony, and give their aid, assistance and advice wherever and whenever it may be necessary for the Common interest of the Company, without confining their views to their respective Presidencies only, yet it is at this Critical time more immediately necessary, and therefore We most strongly enjoin your observance of it, and that you will give all due attention, to the advices you may receive for those purposes from the Governours and Councils of our other Presidencies, or the Governours or any Select Committee constituted by Us, or Our Secret Committee'.[4]

[1] Also see page 119 *ante*.

[2] See the Court's General Letter to the President and Council at Fort William, dated 26th March, 1755, paras. 7 and 8.

[3] I.e., the Presidencies of Fort William (Bengal), Madras and Bombay.

[4] We may also state in this connexion that, on 13th February, 1756, the Secret Committee (see pages 114–16 *ante*) of the Court of Directors wrote to 'Roger Drake Junr., Esqr., or the President (of) Fort William for the time being, Lieutenant Colonel Stringer Lawrence, when in Bengal, William Watts, or the Second in Council for the time being, Mr Charles Manningham and Mr Richard Becher':—

'As in the present Situation of Affairs between the British and French Nations, it is natural to suppose the French will aim a blow whereever (*sic*) they can strike the most effectually, and as Our Company may feel the Weight of it, specially in Bengal . . . . The Court have thought it necessary to appoint you to be a Select

This instruction was in essence twice repeated by the Court of Directors in 1757, and the President and Council of Fort William were told on 25th March, 1757[1] :—

'Your care and vigilance is not to be confined to your Presidency only, but must in this dangerous Juncture[2] extend to the general Interest of the Company whereever and whenever it is in your power to be of Service, for this purpose a good Harmony must be Kept up with our other Presidencies that you may mutually assist each other and here it is necessary you should be informed that we have reminded our Governour and Council of Fort St. George of the Defenceless condition of our valuable Settlements in Bengal, and have accordingly recommended it to them to give such assistance as may tend so far as lyes in their power to their Preservation whenever their (there ?) appears a necessity for it . . . You must whenever there is a necessity for Assistance, apply to the President and Council

Committee . . . You are to put the Settlement in the best Posture of Defence you can, that you be constantly vigilant and concert the Properest Measures for its security, in order to which you must claim the Assistance of Our other Presidencies, whenever you are apprehensive of danger and correspond and act in harmony with the Select Committees of Fort St. George & Bombay'.

—See the letter from the Secret Committee of the Court of Directors, dated at East India House, London, 13th February, 1756.

The said Secret Committee also separately wrote to 'Roger Drake Esqr., Governour of Fort William in Bengal, or to the Governour for the time being', on 25th May, 1756 :—

'Although this letter is directed to You, it is to be communicated to the Select Committee (at Fort William), and you are jointly to consider of and concert the proper measures as well for the security of the Presidency of Fort William and its Dependancies as those of Fort St. George and Bombay, as far as may lay in your power; for which purpose the earliest and mutual intercourse must be carried on with the Select Committees of those Places'.

—See the Secret Committee's letter to Roger Drake, Esqr., etc., dated at East India House, London, 25th May, 1756.

(It may be noted here incidentally that the declaration of war by England against France had been 'Publickly Proclaimed in London' on 18th May, 1756.—*Ibid*).

[1] See the Court's General Letter to the President and Council at Fort William, dated 25th March, 1757, paras. 75 and 109.

[2] Reference is to the danger from France and also from the Company's 'Concerns with the Country Government' in Bengal (obviously with the Nawab's Government in Bengal).—See *ibid.*, para. 74.

of Fort St. George who have Our strong recommendations to afford it, by Draught from their Troops or in such manner as will most effectually answer the purpose.'

And on 11th November, 1757[1], the Court stated:—

'The Security of your Presidency will greatly depend upon the assistance of the Company's other Presidencies—therefore the mutual Harmony we have so often recommended be carefully cultivated as the best means to Protect and defend the Companys Possessions, Trade and Privilege The good Effects of their endeavours for the re-establishment of our Settlements in Bengal are very apparent, and we have reason to expect they will continue their attention and care.'

Further, the Court wrote to the President and Council at Fort William—

On 1st April, 1760[2] :—

'Upon Mr. Clive's sensible and judicious plan the forces of our Presidencies—at least of Madras & Bengal will be in common aiding each other as the different situation of affairs may demand . . . . Thus circumstanced and cemented you will be a security to Each other—& in all human probability out of the reach of danger.'

On 21st January, 1761[3]:—

'You and our presidencies of Fort S. George and Bombay being by our directions to be mutually assisting to Each other remittances are to be made where they are wanted by such presidencies as can spare them—You are therefore to make the Earliest requisitions of what you may stand in need of but more particularly to Bombay—on the other hand—if our presidency of Fort S. George wants such assistance and you may happen to have a surplus Stock you are to remit thither as much thereof as can be prudently spared.'

[1] See the Court's General Letter to the President and Council at Fort William, dated 11th November, 1757, para. 36.

[2] See the Court's General Letter to the President and Council at Fort William, dated 1st April, 1760, para. 136.

[3] See the Court's General Letter to the President and Council at Fort William, dated 21st January, 1761, para. 67.

On 23rd December, 1761[1] :—

'As our presidency of Fort St George may possibly lay (*sic*) more conveniently for an immediate attention to the West Coast Affairs You are to observe and comply with whatever they shall write to you relative to the assistance which may be required of you on this account. We have given the like directions to Bombay in order that our several Presidencies may co-operate with each other that our Settlements upon the said Coast may be effectually supported.'

On 15th February, 1765[2] :—

'In general the Affairs of our several Presidencies are to be looked upon as they really are, a Common Concern ; they are accordingly mutually and as effectually as possible, to assist one another, whenever the exigency of Affairs requires it ; and this we lay down as an invariable Rule for the observance of every Presidency.'

On 13th December, 1765[3] :—

'As we have frequently laid it down as a Rule that Our several Presidencies are to give each other every mutual assistance to the utmost of their power, We now recommend this object to your Constant particular Care & Attention, and as in all probability you may want that assistance more than the others, We have strongly recommended it to Fort St. George that as far as circumstances there can possibly admit every application for assistance be complied with, that shall be made by you to the President & Council there, and the Presidency of Bombay have the like Orders.'

On 21st November, 1766[4] :—

'We have always laid it down as an invariable rule, that our several Presidencies are to consider the Affairs at each, as a common concern, and are accordingly to mutually assist each other, whenever the exigency thereof requires it, if

[1] See the Court's General Letter to the President and Council at Fort William, dated 23rd December, 1761, para. 20.

[2] See the Court's General Letter to the President and Council at Fort William, dated 15th February, 1765, para. 93.

[3] See the Court's General Letter to the President and Council at Fort William, dated 13th December, 1765, para. 49.

[4] See the Court's General Letter to the President and Council at Fort William, dated 21st November, 1766, para. 79.

therefore, the Recruits intended for Bengal, are more immediately wanted at Fort St. George, they have liberty to detain them during such exigency, on the other hand, if you should be in want of any further assistance, in addition to the Recruits designed for your Presidency, the President & Council at Fort St. George have our directions for supplying you accordingly. The like orders are sent to Bombay.'

On 11th November, 1768[1] :—

'You must continue to supply our other Presidencies with such sums as they may apply to you for To answer their various demands agreeably to the Orders we shall give them for so doing.—We commend the attention you have shewn to this object in sending such ample supplies to Fort St George for carrying on the Military operations on that Coast and in procuring Bills in favour of Bombay for 7 Lacks from the Merchants at Moorshedabad.'

And on 17th March, 1769[2] :—

'Having frequently inculcated on our several Presidencies the necessity of their considering the welfare of the whole as a common cause, and that they must accordingly unite in support of each other to the utmost of their abilities, we have with this view directed the Presidency of Madras in case they shall have a greater Number of Men than was fixed for their establishment last season, to send so many to Bombay as may be necessary to compleat their Establishment to Fifteen Hundred Europeans.'

The Court also desired to have a uniform system of military organization in the different Presidencies, due allowance being made, however, for variations in local circumstances. With a view to ensuring this, it wrote[3] to the President and Council at Fort William, while instructing them to prepare a military code for the Company's 'Troops employed in Bengal':

[1] See the Court's General Letter to the President and Council at Fort William, dated 11th November, 1768, para. 34.

[2] See the Court's General Letter to the President and Council at Fort William, dated 17th March, 1769, para. 66.

[3] See the Court's General Letter to the President and Council at Fort William, dated 16th March, 1768, paras. 123-4.

'We direct . . . that you form one (Code) as soon as you can and transmit it to us for our information and further directions. . . . .

'You are not only to transmit to us a Copy of such a Code annually, but you are likewise to transmit Copies to the other Presidencies who are to do the same with respect to you. This mutual communication will, if duly attended to, be productive of a similarity of System throughout our whole possessions.'

In regard to the question of shipping also the Court's instruction was[1]: 'It has been our constant recommendation for our several Presidencies mutually to concert the necessary Plans for the returning the several ships intended to be laden home the same season of their arrival in India.'

Moreover, we may mention in this connexion that the three Presidencies were not only required by the Court to assist one another with troops[2] and money, as shown above, but were also, as will appear from what follows, directed by it to help the trade of the Company in China (and, we may add, at Fort Marlborough,[3] Bencoolen, in Sumatra). Thus we find that in its General Letter[4] to Bengal, dated 21st January,

[1] See the Court's General Letter to the President and Council at Fort William, dated 21st November, 1766, para. 15.

[2] Sometimes also, with civil servants. See pages 199-211 *ante*.

[3] See the next foot-note and also page 618 *post*.

[4] See paras. 36-37 thereof.

In the same letter we also find:—

'Being fully satisfied that the Erecting Fort Marlboro' into an Independent Presidency will be the means of rendering our settlements upon the West Coast of Sumatra of great advantage & utility to the Company, We have accordingly come to a determination upon this measure & are preparing everything necessary for effectually carrying the same into Execution. . . . . .

'Upon this occasion we expect & require that you promote to the utmost of your power every measure which may contribute to make it answer our intentions by supplying it with goods, stores—necessaries—men—vessels & indeed whatever the Governor & Council there may apply to you for, or stand in need of from time to time, in the same manner as you have & would usually do with respect to any other of our presidencies, observing that Fort Marlborough will in this infant state require your most careful attention, not only in the particulars before mentioned, but also by your assistance on all necessary & proper occasions.'

1761, the Court wrote to the President and Council at Fort William :—

'As the China trade is our principal resource for valuable returns it is of the utmost importance to feed it with as plentiful remittances as circumstances will admit of—We therefore recommend it to you in the strongest manner to take every opportunity to send to Fort S. George whatever treasure you can possibly spare from time to time that it may (be ?) consigned from thence to our agents at Canton.

'We have given the like directions to our other presidencies which directions they and you are to look upon & observe as standing orders to be complied with—whenever it shall appear necessary to send a casual ship to Canton or have treasure to spare and proper conveyances offer.'

Again[1] :—

'As no Excuse can avail our respective Presidencies in withholding any assistance that can possibly be derived from our acquisitions and Revenues under their Directions, we expect and require, that your Activity be exerted in Concert with the other Presidencies to supply our China Council with the amount of at least Twenty four Lacks of Rupees, for the Service of the year 1770 to provide for the ships that shall

—See the Court's General Letter to the President and Council at Fort William, dated 21st January, 1761, paras. 6–7.

The following extract from Clive's letter (para. 14) to the Court of Directors, dated at Calcutta 30th September, 1765, is also significant in this connexion :—

'As every nation which trades to the East Indies constantly brings out Silver, for the purchase of Merchandise in Return, and as our Revenues will, for the future, enable us to furnish all our Investments, without any Remittance from England, it seems necessary that we should, in some Degree, encourage the Trade of others, in order that this Country may be supplied by them with Bullion, to replace the Quantity *we shall annually send to China, or to any other Part of the World.*' (The italics are ours.)

[1] See the Court's General Letter to the President and Council at Fort William, dated 11th November, 1768, para. 33.

It may be noted here that, previously to this letter, the Court had written to the Select Committee at Fort William :—

'You are to set apart the usual remittance to China and the other settlements, and make the usual advances for the largest Investment you can expect to make. . . . . '

See the Court's letter to the President and Select Committee at Fort William, dated 12th January 1768, para. 2.

be ordered thither in that year & to leave a sufficient surplus with them for opening the Investment of the following Year, and we positively direct, that You do not, under any pretence whatsoever, omit to supply them with that sum.'[1]

Some Illustrations of Mutual Help.

We have shown above how the three Presidencies of Bengal, Madras and Bombay were directed by the Court to assist, and co-operate with, one another for their mutual benefit. We shall now show, with the help of one or two illustrations, how this direction was followed by them in practice. We find, for instance, in the Proceedings of a meeting of the Select Committee at Fort William, held[2] on 18th September, 1765: 'The Committee are unanimously of opinion that whatever surplus monies the Company may find themselves possessed at this Presidency, the same will be employed more to their benefit and advantage in supplying largely that valuable branch of their Commerce the China trade and in assisting the wants of the other settlements'.

Again, the following letter[3] from the Select Committee[4] (at Fort William) to the Secret Department at Fort St.

[1] It may be interesting to note here what the President and Council at Fort William wrote to the Court in reply to this :—

'Although your Orders are so positive for us to furnish your China Council with Twenty-four Laaks of Rupees for the Service of the year 1770, yet the state of your Treasury will at one View convince you of our utter inability to give them any assistance whatsoever.'

—See the General Letter to the Court, dated at Fort William 25th September, 1769, para. 35.

[2] At Fort William.

[3] See the Proceedings of the Meeting of the Select Committee, held at Fort William on 10th March 1767.

[4] The Select Committee also wrote to Colonel Joseph Smith as follows :—

'To Colonel Joseph Smith
Commanding the Army in the Deccan.

'Sir,

We learn by repeated advices, that the Maratta army is returning with all Expedition to the Deccan. Regnautrow left the Neighbourhood of Agra some days since, and is already advanced to Narva Gaut on his March to the Narbudda.

Your Presidency can best judge of the Effect which the Return of so considerable an Army will produce on their military system. We have transmitted them the above Intelligence, and assured them of our Readiness to give you all the assistance that the situation of the Army under your command may at any time afford us an opportunity of

George (Madras) is also a nice illustration of such mutual help:—

'To

The Honble Charles Bourchier Esqr
President & Governor & Secret
Department at Fort St. George

'Honble Sir & Sirs,

....

'We beg Leave to assure you, that we shall most chearfully co-operate in every Measure which you think may serve to promote the common Interest of the two Presidencies. Should therefore the situation of your army at any time afford us an opportunity of contributing our Assistance; or should you be of opinion it is necessary that a Correspondence should subsist between this Committee & Colonel Jo: Smith, you will please to advise us of your sentiments, and to rest assured of the ready Concurrence of

Honble Sir & Sirs

March 10. 1767. Your most obedient & most humble servants'

We also find in another letter from the Select Committee[1]

doing, and for this Purpose we doubt not you will receive their Instructions.

We are, Sir,
Your most obedient humble servants.'

March 10th, 1767.
—See *ibid.*

[1] See the Bengal Select Committee Proceedings, Vol. 24, in the Imperial Record Office (Government of India).

We also find in a General Letter to the Court of Directors, dated at Fort William 14th March, 1768 :—

'Para. 5:—In consequence of an application from Fort St. George to the Select Committee for additional supplies of Treasure we have resolved to remit thither the further sum of six laacks of Rups. and will forward them with the sums we before advised you to have been advanced by the undermentioned Vessels which have been duly surveyed and reported by the Master Attendant :—

On the Royal Admiral	5 laacks
On the Ship Floyer	3
On the Snow Elizabeth	2
On the Snow Lively	2
Total ...	12'

Also see page 98 *ante*.

at Fort William to the Secret Department at Fort St. George :—

'To

the Honble Chas Bourchier Esqr
President and Governor & Members of the
Secret Department at Fort St. George.

'Gentlemen

. . . .

'Our Treasury having of late been replenished by the calling in of all Gold Mohurs of the late Currency we embraced the earliest opportunity of transmitting to you such further Supplies of Money, as we judged might enable you to prosecute with vigour the War against Hyder Ally— The Sum of eight Lacks of Rupees in Gold which You will receive for that Purpose by the Ship Admiral Watson & Plassey Schooner, will we hope prove a seasonable Supply & will effectually remove the many difficulties you have long laboured under from a Scarcity of Money. We need not repeat how earnestly we wish for a happy and honorable Issue to your present operation, on which will greatly depend the future Peace & Tranquillity of the Company's Possessions on the Coast & have only to add on this occasion, that we will chearfully supply you with further Sums of Money, when conveyances offer provided your affairs may continue to require them[1] . . . .

We are, etc.'

Fort William
the 6th October 1768.

[1] The following appreciation by the Court of Directors also indicates Bengal's readiness, previously, to assist Madras in the military operations of the latter :—

'We observe with particular pleasure the great readiness you have shewn in sending a Reinforcement to assist our Presidency at Fort St George in their operations upon that Coast, and we hope the spirited and vigorous measures which have been mutually pursued, will soon reduce Hyder Ally and the Nazim of the Dekan to accept of such Terms as will lay the foundation of a permanent and lasting tranquility (*sic*) on that Coast.

—See the Court's General Letter to the President and Council at Fort William, dated 5th April, 1768, para. 2.

Previously to this, the Select Committee had written to the Court of Directors on 24th March, 1768[1] :—

'The great demands which have been made on this Presidency for supplies of money from every quarter, have reduced your Treasury to a very low state: and alarm us for the consequences, which must inevitably attend such a vast Exportation from this Country—We are apprehensive that the very great scarcity of silver must affect your Investment for the ensuing season, as it is with the utmost difficulty we now procure sufficient for the immediate necessary advances for that purpose.'

We even find in a Report[2] of a Parliamentary Committee that 'by a letter . . . to the . . . Governor and Council' at Fort William, dated 16th March, 1768, the Court of Directors 'directed one lack and one-third of a lack of (Bengal) current rupees, being . . . part of what remained' as the unappropriated portion of the commission of two and a half per cent referred to before,[3] 'to be proportioned' annually among the civil and military servants of the Company in Bombay. And this annual contribution from Bengal to Bombay was to continue 'so long as the Company shall be possessed of the Dewannee Revenues'.[4]

[1] See the Select Committee's letter to the Court of Directors, dated at Fort William 24th March, 1768, para. 10.

[2] See *Further Report from the Committee of Secrecy appointed to enquire into the State of the East India Company*, London, 1773, Appendix 31.

[3] See pages 426–29 *ante*.

[4] See the Court's General Letter to the President and Council at Fort William, dated 16th March, 1768, para. 182.

What the Court actually wrote to the President and Council on this point, is as follows :—

'It being reasonable that our Civil and Military servants under the Presidencies of Fort St. George and Bombay should, in some degree, be put on similar footing with yours to encourage them likewise to exert their utmost endeavours to serve the Company with zeal and alacrity in the present extensive and important situation of their affairs, we have constituted an annual Fund of sixty thousand Current Pagodas for that purpose, arising out of the Territorial Revenue at Fort St. George. But as there is no resource of that kind at Bombay the Fund for that Presidency must arise from our Revenues in Bengal we have therefore directed them to draw on you for one Lack and one third of Bengal current Rupees annually so long as the Company shall be possessed of the Dewannee Revenues and you are accordingly

Further, in a letter, dated 6th January, 1772, the Council at Fort William wrote to the Council at Fort St. George[1] :

'To

the Honble Josias Du pre Esqre

President & Council at Fort St George

'Gentlemen,

We have been duly favoured with your Letter of the 16th Ultimo. . . .

It is with much concern we learn from the Select Committee your apprehension of an approaching Invasion from the Marattas and the prospect of being distressed for Specie and Grain.

You may depend Gentlemen on the exertion of our utmost endeavours to assist you in both. . . . .

Fort William

6th January 1772.'

Finally, we find that in a letter,[2] dated 9th March, 1772, the Council at Fort William wrote to the Court of Directors:

punctually to comply with the said Draughts, which said sum is to be proportioned out among our Civil and Military servants at that Presidency upon a plan somewhat similar* to that settled for Bengal.' —*Ibid.* *See pages 426–29 *ante*.

[1] See the Consultation, Secret Department, Fort William, of 6th January, 1772.

[2] See the General Letter to the Court, dated at Fort William 9th March, 1772, para. 22. This letter was signed by Mr John Cartier and nine others. Also see the Bengal Revenue Department Letter to the Court, dated 9th March, 1772, para. 22. Previously to this, Messrs John Cartier, Samuel Middleton and William Aldersey had written to the Court in a General Letter (para. 7), dated at Fort William 23rd January, 1772 :—

'It is with infinite concern we find by the advices from the Gentlemen of Fort St. George that they are upon the point of Engaging in an expensive and troublesome war with the Mhorattahs, Such measures have been taken by the Board (at Fort William) respecting supplies, Remittances etc. as must in the prosecution of it, prove of the greatest support and assistance to them.'

And we find in a Report of a Parliamentary Committee :—

'And your Committee having enquired in what manner any part of the revenues arising from the said territorial acquisitions have hitherto been remitted from the countries where they are collected, they find that part of the said revenues have been remitted from one presidency to another, and to China, in cash and by bills, as well as by goods.'—From the *Further Report from the Committee of Secrecy appointed* (by the House of Commons) *to Enquire into the State of the East India Company, 1773.*

'It has always been our aim to afford all the assistance in our power to your other settlements considering them equally with our own as conducive to your Interests.'

It may perhaps be interesting to note here incidentally that of the six chief settlements of the Company—five in the East Indies, namely, Bengal, Madras, Bombay, Bencoolen (Fort Marlborough, Sumatra), and China, and one in the island of St. Helena—it was Bengal which made, during the period 1761–71, the heaviest amount of remittance to other settlements. This will be evident from the following statement:[1]

Name of the Settlement.	Period of time.	Amount of Remittances to other Settlements in Bullion, Bills & Goods & Stores. Lst.	Amount of Remittances from other Settlements in Bullion, Bills & Goods & Stores. Lst.
Bengal ...	From May, 1761, to April, 1771.	2859678	501380
Madras ...	Do.	1267139	1663735
Bombay ...	From August, 1761, to July, 1771.	269982	874700
Bencoolen ...	From July, 1761, to April, 1770.	206753	243911
China ...	From 1762 to 1772.	12750	2000185
St. Helena ...	From 1761 to 1771.	6827	27073

It is clear from this statement that during the period from May, 1761, to April, 1771, Bengal remitted altogether £ 2859678 to other settlements and received from them only £ 501380. And it also appears from a Report[2] of a Parlia-

[1] This statement is based upon accounts, originally prepared by one Mr John Hoole, Auditor of Indian Accounts to the East India Company, under the direction of the Committee of Secrecy appointed by the House of Commons, assembled at Westminster in the Sixth Session of the thirteenth Parliament of Great Britain, to inquire into the State of the East India Company.

The relevant Report of the Committee (entitled *Further Report from the Committee of Secrecy*, etc.) in which the accounts occur, was published in London in 1773. The accounts of Bengal and Madras were submitted by Mr Hoole on January 27th, 1773; and those of Bombay, Bencoolen, China and St. Helena, were submitted by him on February 1st, 1773.

[2] See the *Ninth Report from the Select Committee* (of the House of Commons) 'appointed to take into consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and

mentary Committee, dated 25th June, 1783, that a heavy drain on the resources of Bengal continued long afterwards.

'About an Hundred thousand Pounds a Year,' says this Report, '*is* also remitted from Bengal, on the Company's Account, to China; and the whole of the Product of that Money *flows* into the direct Trade from China to Europe. Besides this, Bengal *sends* a regular Supply, in Time of Peace, to those Presidencies which are unequal to their own Establishment. To Bombay, the Remittance in Money, Bills, or Goods, for none of which there *is* a Return, *amounts* to One hundred and Sixty thousand Pounds a Year at a Medium.'[1]

Thus Bengal[2] was the milch cow, as it were, for the other settlements of the Company, particularly in the East Indies. And the chief source of the Company's income in Bengal, especially from after its acquisition of the Diwani in 1765, was its territorial revenues derived from the province. During the ten years from May, 1761, to April, 1771, for example, the total receipts of the Company in Bengal from different sources, amounted to £24013382, to which the net income from its territorial revenues contributed £15763828[3] and that from customs duties and other sources the balance.[4]

Orissa, and to report the same, as it shall appear to them, to the House (of Commons), with their Observations thereupon, etc.'

The Report was printed in the year 1783. It is also briefly referred to as the 'Ninth Report of the Select Committee of the House of Commons on the Affairs of India', dated 25th June, 1783.

Also see *The Writings & Speeches of Edmund Burke*, Vol. VIII, Bickers & Son, Ltd., p. 48.

[1] The italics are ours.

[2] Inclusive of Bihar and Orissa as these were in those days.

[3] To this amount the territorial revenues obtained by the Company during the six years from May, 1765, to April, 1771, contributed as much as £13213249.

[4] See *Further Report from the Committee of Secrecy appointed* (by the House of Commons) *to Enquire into the State of the East India Company*, London, 1773.

APPENDIX 1

THE SELECT AND THE SECRET COMMITTEE OF THE HOUSE OF COMMONS, 1772.

(a) The Select Committee, 1772.

On 13th April, 1772, Colonel Burgoyne made a motion in the (British) House of Commons for the appointment of 'a Select Committee on East India Affairs'. Among other things, he said in this connexion[1]:

'Mr Speaker, ...

'I mean to move an enquiry into the nature, state, and condition of the India Company and of the British affairs in India. By the first part of the motion I mean to give powers to a committee to enquire into the constitution of the Company, into the purposes for which it was framed, and the powers with which it was invested; I would then proceed to the management of those purposes and powers, see where there have been deviations, where there have been abuses, where the evils have unavoidably arisen from the latent errors in the constitution, where they have flowed from the casual misconduct of servants; and the enquiry will be thus naturally brought by the last part of the motion to a view of the present disorders, civil, military, moral and political, that chaos where every element and principle of government, and charters, and firmauns, and the rights of conquests, and the rights of subjects, and the different functions and interests of merchants, and statesmen, and lawyers, and kings, are huddled together into one promiscuous tumult and confusion natural to the jarring operations of powers the most discordant and incompatible. To sift and examine these several materials, many of them excellent in themselves, and dangerous only by being confounded, will be the only means to enable the controuling and creative power of legislature, to new model and arrange them, and to give (?) them for the future permanent regulation and direction to their proper ends. . . . . Need I urge any further excitements? The fate of a great portion of the globe, the fate of great states in which your own is involved, the distresses of fifteen millions of people, the rights of humanity are involved in this question.—Good God! What a call—the native of Indostan, born a slave—his neck bent from the very cradle to the yoke—by birth, by education, by climate, by religion, a patient, submissive, willing subject to eastern despotism, first begins to feel, first shakes his chains, for the first time complains under the preeminence of British tyranny.

'It only remains for me to state the sort of Committee for which I wish. A Committee of the whole House, with the business of the session which remains unfinished, could sit but seldom, and at this late season must be ineffectual. . . .

'I shall . . . Sir, propose a committee of thirty-one, with a proportionable quorum to sit in the holidays. . .

[1] *Vide* the 'Debate in the Commons on Colonel Burgoyne's Motion for a Select Committee on East India Affairs' on 13th April, 1772, in *The Parliamentary History of England from the Earliest Period to the Year 1803*, Vol. XVII (1771-74), printed by T. C. Hansard, London, 1813, pp. 453-64.

'I therefore move, "That a Committee be appointed to enquire into the nature, state, and condition of the East India Company, and of the British affairs in India." '

Sir William Meredith seconded the motion.

Some objections were raised to the proposed inquiry by a Select Committee (of the House of Commons), and even Edmund Burke spoke warmly against it. But the motion of Colonel Burgoyne for the appointment of Select Committee 'was carried without a division'.[1]

On 16th April, 1772, 'the Select Committee of 31 members was chosen by ballot'. It was to consist of Colonel Burgoyne, Sir W. Meredith, Sir George Savile,[2] Lord Clive, and *twenty-seven* other members.

Colonel Burgoyne appears to have been elected to be the Chairman of the Committee.

(b) The Secret Committee, 1772.

On 26th November, 1772, Lord North moved in the House of Commons:[3]

'That a Committee of Secrecy be appointed, to enquire into the state of the East India Company; and, for that purpose, to inspect the

[1] We also find in an extract from *The Annual Register*, quoted as a foot-note (on pages 453–55) in *The Parliamentary History of England* referred to by us before in foot-note. 1 on page 620:—

'On the 13th of April, a motion was made for a Select Committee of 31 members, to enquire into the nature and state of the East India Company, and of the affairs in the East Indies. The necessity of such an enquiry was strongly urged from a variety of considerations, among which were the following: the present precarious situation of affairs in India; the late distresses of the natives, and the depopulation of the country; the oppressive and arbitrary conduct of the Company's servants; the great decrease of the net revenues in Bengal, from various mismanagements, as well as enormous and unnecessary expences; the immense consequence to this nation of preserving and well governing those countries; and that this could only be done, by making a full enquiry into their nature and state, and then establishing a regular and permanent form of justice and government'.

(Some objections were raised to such an inquiry being made.)

'Notwithstanding these objections, the motion for a Select Committee was carried without a division. . . . .'

—*Ibid*, pp. 453–55.

[2] Sir George Savile, however, informed the House of Commons that 'he wished to decline being one of the Committee; that it was a sort of rule, that a member, being against the whole of a Bill, ought not to be on the Committee on such Bill; that he therefore, being against the whole system of India affairs, ought not to be on that Committee. He looked on their trade as destructive, either from bringing in too great an increase of money, which could overturn the liberty of this country, or from many of the importations, tea specially, being destructive of the healths of the people of England. He also protested against the territorial acquisitions, as public robberies, in the name of the kingdom: that in abetting, in any sort, this kind of transaction, he should look on himself as an accomplice: he therefore hoped the House would not think he meant any disrespect in not attending the Committee'.—See *ibid*, pp. 453–64.

[3] See the 'Debate in the Commons on appointing a Secret Committee on the East India Company's Affairs' on 26th November, 1772, in *The Parliamentary History of England* (already referred to in foot-note 1 on page 620 *ante*), pp. 527–537.

books and accounts of the said Company; and to report to the House what they find material therein, in respect to the debts, credits, and effects, of the Company, as also to the management and present situation of the Company's affairs; together with their observations thereupon'.

'His Lordship supported his motion principally on the following arguments: that the present critically distressed state of the Company's affairs demanded the most speedy and effectual relief, which could be procured in no other manner so well as in that now proposed, he being certain that a great progress might be made even before the Christmas recess. That the Company's affairs in general, as well as their secret and confidential transactions, being thus known to a few, it would necessarily follow, that no unfair advantage could be taken. He added, that from the clearest estimate he was capable of making of the present state of the Company, however closely pressed they might be by present exigencies, and embarrassed in money matters, they were, nevertheless, in point of internal strength and vigour, in full health'.

Later on, he also stated, in reply to one Mr Hussey who had spoken on the subject:

'that great complaints had been made relative to the disclosure of the Company's secrets, by the mode of enquiry adopted last session, from which consequences very hurtful to its interests had arisen'.

Thereupon, 'General[1] Burgoyne stood up to vindicate the late committee[2], of which he had the honour to be chairman, from those aspersions which he imagined had been obliquely thrown on it by the leader[3] of the treasury bench. The General expatiated largely upon what had been done by the Select Committee of last year,[4] and contended that the means now proposed were inadequate to the purposes that enquiry was first set on foot to effect'.[5]

[1] Previously referred to (see page 620 *ante*) as Colonel.

[2] I. e., the Select Committee mentioned before (see pp. 620-21 *ante*).

[3] Obviously, Lord North.

[4] Obviously, the speaker meant ***last session*** (i.e., the previous session of the House of Commons).

[5] General Burgoyne added:

'As I am the person who moved for a Select and open Committee to enquire into the East India Company's affairs, I think myself in some measure called upon to rise on this occasion, and to acquaint the House, that to-morrow I intend to move for its revival. Understanding that a motion for a Secret Committee was this day to be made, I naturally conceived that it was a tacit disapprobation of, or at least an oblique reflection upon, the mode of proceeding adopted last session. Now I must say, and it is but what I owe to my assessors on that occasion, that, however unworthy the president might be, the virtue and abilities of the other members were such, as conducted the business entrusted to the Committee on the most public and disinterested plan. Never was there a body of men who acted with more coolness, deliberation and attention. And, if this committee is intended to supersede it, I cannot help thinking that it will be attended with more harm than good. I have many objections to a secret committee; but yet I will not vote at all in this case. This is the principle on which I act. It is universally allowed, and indeed it is clearly proved, that the East India Company is rotten to the very core. All is equally unsound; and you cannot lay your finger on a single healthy spot

After some further discussion, Lord North's 'motion for the Secret Committee was carried'.[1]

On 28th November, 1772, the Secret Committee was actually formed by the House of Commons, consisting of Mr Thomas Harley, Mr Hans Stanley, Mr Charles Jenkinson, Mr Richard Jackson, and *nine* other members.[2]

whereon to begin the application of a remedy In the east the laws of society, the laws of nature, have been enormously violated. Oppression in every shape has ground the faces of the poor defenceless natives; and tyranny has stalked abroad. The laws of England have lain mute and neglected, and nothing was seen but the arbitrary caprice of despotism. Every sanction of civil justice, every maxim of political wisdom, all laws human and divine, have been trampled under foot, and set at naught. At home, there has been egregious mismanagement and variety of roguery. The evils being so extensive and so multifarious, the most intensive enquiry is wanted. Could, therefore, a hundred Committees be established, they would hardly be equal to the task of investigating the various crimes and misdemeanours, the multiplied evils that lurk in that corrupted body. . . . . Let me not, however, be misunderstood, as if accusation, not redress, was my object. My first object, when, unconnected with any party, uninfluenced by any motive but humanity and a sense of duty, I proposed the establishment of the Select Committee, was the removal of the misfortunes under which Bengal laboured, and in which I foresaw this country would finally be involved. If in the course of the enquiry there should appear any crime, which I should think it incumbent upon me, as a member of parliament, to impeach, I am not a man to shrink from my duty'.

Lord North then declared that 'he had told the General he would not oppose the revival of the Select Committee, and that he was resolved to abide by his word'.—See the reference in foot-note 3 on page 621.

[1] It may also be noted here that on 27th November, 1772, Colonel Burgoyne 'moved that the Select Committee of 31 appointed in April last to enquire into the nature, state and condition of the East India Company, and of the British affairs in the East Indies, be re-appointed'.

Supporting this motion, one Mr Seymour said—

'I am heartily for an enquiry, and sincerely wish a full discovery may be made of the greatest villanies this or any other nation ever heard of . . . . I am therefore for an open, fair, and liberal enquiry, that punishment may attend the guilty, and those who deserve it be rewarded.'

'The motion was agreed to.'—See *ibid.*

[2] See *ibid.*

APPENDIX 2

THE GRANT OF THE DIWANI OF BENGAL, BIHAR AND ORISSA, DATED 12TH AUGUST, 1765, ETC.

(a)[1] 'FIRMAUN RELATIVE TO THE DEWANNY OF BENGAL BAHAR & ORISSA.'

'At this happy time our royal Firmaun worthy of observance, indispensably requiring obedience, is issued that whereas in consideration of the attachment & services of the high & mighty, the noblest of exalted nobles the chief of illustrious Warriours our faithful servants & sincere well wishers worthy of our royal favours the English Company, we have granted them the Dewanny of the Provinces of Bengal, Bahar & Orixa (Orissa in O. C.) from the beginning of Fussul rubby of the Bengal year 1172, as a free Gift & Ultumgan without the association of any other Person whatever & with an exemption from the payment of the Customs of the Dewanny which used to be paid to the Court, It is requisite that the said Company engage to be security for the sum of twenty six Laaks of Rupees a year for our royal Revenue, which sum has been appointed from the Nabob Nudjum-ul-Doula Bahadre, and regularly remit the same to the Royal Sircar; & in this case as the said Company are obliged to keep up a large Army for the protection of the provinces of Bengal Etc., We have granted to them whatsoever may remain out of the Revenues of the said provinces, after remitting the sum of 26 Lack of Rupees to the Royal Sircar & providing for the Expences of the Nizamut.[2] It is requisite[3] that our Royal Descendants, the Viziers, the Bestowers of Dignity, the Omrahs high in Rank, the great officers, the Mutta suddies of the Dewanny, the managers of the Business of the Sultanutt the Jaghierdars & Croories as well the future as the present, using their constant endeavour for the establishment of this our Royal command leave the said office in possession of the said Company from Generation to Generation for ever & ever. Looking upon them to be ensured from dismission or removal, they must on no account whatsoever give them any interruption, & they must regard them as excused & exempted from the payment of all the Customs of the Dewanny & royal demands. Knowing our orders on this subject to be most strict & positive let them not deviate therefrom. 'Written the 24th of Suffer of the 6th year of the Jaloos[4] (the 12th of August 1765)'.

'Contents' of the 'Zimmun'.[5]

'Agreeably to the paper which has received our sign manual our Royal Commands are issued that consideration of the attachment &

[1] See the Proceedings, Select Committee, Fort William, of 7th September, 1765; also Home Department (Public) O. C. No. 2, dated 9th September, 1765; also I. O., Consultation, 1765, pp. 142-44 (Imperial Record Dept., New Delhi); also Aitchison, *Treaties, Engagements and Sanadas*, etc., Vol. I, 1909.

[2] In the relevant O. C. this word is spelt as Nizamutt.

[3] In the relevant O. C. this word is : necessary.

[4] 'Jalus' (Jaloos) 'properly means the sitting or accession of a person, hence his reign.'

[5] 'Zimn' (Zimmun) 'is the endorsement of a grant giving an abstract of its contents.'

services of the high & mighty the noblest of exalted Nobles the Chief of illustrious Warriours our faithfull servants & sincere wellwishers worthy of our royal favour, the English Company we have granted them the Dewanny of the provinces of Bengal, Bahar, & Orissa from the beginning of the Fussul Rubby of the Bengal Year 1172 as a free Gift & Ultamgaa, without the association of any other person & with an exemption from the customs of the Dewanny which used to be paid to the Court, on Condition of their being security for the sum of 26 Laaks of Rupees a year for our royal Revenue which sum has been appointed from the Nabob Nudjum ul Doula Bahadre, & after remitting the royal Revenue & providing for the Expences of the Nizamut, whatsoever may remain We have granted to the said Company—

The Dewanny of the Province of Bengal
The Dewanny of the Province of Bahar
The Dewanny of the Province of Orissa.'

(*b*)[1] 'FIRMAUN FOR THE DEWANNY OF THE PROVINCE OF BENGAL,' etc.

'At this happy time our Royal Firmaun indispensably requiring obedience is issued, that in consideration of the attachment of the high & mighty, the noblest of exalted nobles the Chief of illustrious Warriours, our faithfull servants and sincere wellwishers worthy of our Royal Favours the English Company, we have granted them as a free Gift & ultumgan agreeably to the Zimmun from the beginning of the Rubby Tuccacory-ul of the Bengal Year 1172, the office of the Dewanny of the Calissa Sheereefa of the province of Bengal (the paradise of the Earth) with the conditional Jagheer thereof without the association of any other person. It is requisite that our royal Descendants, the Vizeers, the bestowers of Dignity, the Omrahs high in Rank, the great Officers, the Muttasuddis of the Dewanny the managers of the business of the Sultanat, the Jagheerdars & Croories, as well the future as the present, using their constant Endeavours for the Establishment of this our royal command leave the said office in possession of the said Company, from Generation to Generation for ever & ever. Looking upon them to be ensured from dismission or removal they must on no account whatsoever give them any interruption, & they must regard them as excused & exempted from the payment of all the Customs of the Dewanny & Demands of the Sultanut. Knowing our Orders on this subject to be most strict & positive, let them not deviate therefrom

'Written the 24th of Suffer of the 6th Year of the Jaloos (the 12th of August 1765).'

'Contents of the Zimmun

'Agreeably to the paper which has received our sign manual We have granted the Office of the Dewanny of the Calissa sheereefa of the province of Bengal (the paradise of the Earth) with the conditional

[1] See the Proceedings, Select Committee, Fort William, of 7th September, 1765; also Home Dept., Public, O. C.'s Nos. 4, 5, and 6, dated 9th September, 1765; also I. O., Consultation, 1765, Imperial Record Dept., New Delhi, pp. 145–50.

After what we have shown under the heading (*a*) above (see pages 624–25 *ante*), it is not very clear to us why again separate farmans, with the corresponding 'Zimmuns', were issued on the same date, 'for the Dewanny' of the Provinces of Bengal, Bihar, and Orissa.

Jagheer thereof as a free gift & Ultamgan to the high & mighty, the noblest of exalted nobles the Chief of illustrious Warriours our faithful servants & sincere wellwishers, worthy of our royal Favours the English Company without the association of any other person from the beginning of the Rubby Tuccacooy-ul of the Bengal Year 1172 '.

Mutatis mutandis similar *farmans*, with the corresponding *Zimmuns*, were issued on the same date, ' for the Dewanny ' of the provinces of ' Bahar ' and ' Orissa '.

(*c*)[1] ' FIRMAUN IN CONFIRMATION OF LORD CLIVE'S JAGHEER.'

' Whereas a Sunnud has been presented to us under the seal of the Nabob Nudjum-ul Doula Bahadre to the following purpose viz. " The sum of 222958 Sicca Rupees & odd agreeably to the Dewanny Sunnud & the Sunnud of the high & mighty Shuja-ul Moolk Hissam-ul-doula Meer Mahomed Jaffier Cawn Behadre has been appointed from the Pergannah of Calcutta & in the Sircar of Santgaun Etc in the province of Bengal (the paradise of the Earth) the Zemindarry of the English Company as an unconditional Jagheer to the high & Mighty Zubdut-ul moolk Nusseer-ul Doula Lord Clive Bahadre; now likewise the said Pergunnas are confirmed as an unconditional Jagheer to the high & mighty aforesaid ; from the 16th of May of the 1764th year of the Christian style (answering to the 14th of Zecada of the 1177th Year of the Hegyra) to the expiration of ten years, they shall appertain as an unconditional Jagheer to the high & mighty aforesaid, & after the expiration of this term they shall revert as an unconditional Jagheer & perpetual Gift to the Company, and if the high & mighty aforesaid should die within the said term they shall revert to the Company immediately upon his Death ", & whereas the said sunnud has met with our approbation at this happy time, therefore our royal Firmaun indispensably requiring obedience is issued that in consideration of the Fidelity of the English Company & the high & mighty aforesaid, the said Jagheer stand confirmed agreeably to the aforesaid Sunnud. It is requisite that the present & future Muttasuddis, the Chawdries, Canoongoes, Muccuddins, Ryots, Muzzarries & all other Inhabitants of the Pergunna of Calcutta & in the Sircar of Santgaun etc regard the high & mighty aforesaid during the forementioned Term & after him the Company aforesaid as unconditional Jagheerdars, & regularly pay them the revenues of the said Pergannahs.

' Written the 24th of Suffer of the 6th Year of Jaloos (the 12th of August 1765).'

' Contents of the Zimmun

' Agreeably to the paper which has received our sign manual, our Royal commands are issued that whereas the sum of 222958 Sicca Rupees & odd has been appointed from the pergunnahs of Calcutta & in the Sircar of Sautgaum Etc, the Zemindarry of the English Company as an unconditional Jagheer to the high & mighty Zubdut-ul Moolk Nusseer-ul-Doula Lord Clive Bahadre, agreeably to the Dewanny Sunnud & the Sunnud of the Nazim of the province ; in consideration of the attachment of the high & mighty aforesaid, We have been graciously pleased to confirm to him the said Pergunnas for the space

[1] See the Proceedings, Select Committee, Fort William, of 7th September, 1765 ; also Home Dept., Public, O. C. No. 7, dated 9th September, 1765 ; also I. O., Consultation, pp. 150–52 (Imperial Record Department, New Delhi).

of ten years commencing from the 16th of May of the 1764th of the Christian Style or 14th of Zecada of the 1177th year of the Hedyra, & in consideration of the attachment of the English Company we have granted the said Pergunnas to them after the expiration of the aforesaid Term as an unconditional Jagheer & perpetual Gift; & if the high & mighty aforesaid should die within this Term, the said Pergunnas are to revert immediately to the English Company'.

(*d*)[1] 'FIRMAUN FOR BURDWAN & THE REST OF THE COMPANY'S POSSESSIONS IN BENGAL

'At this happy time our royal Firmaun indispensably requiring obedience is issued that the chuclas of Burdwan, Midnapore ('poor in the O.C.) & Chittagong Etc, & also the twenty four Perganas of Calcutta Etc (the Zemindary of the high & mighty, the noblest of exalted Nobles, the Chief of illustrious Warriours our faithfull servants the English Company) which were granted to the said Company in the time of Meer Mahomed Cossim & Meer Mahomed Jaffier Cawn deceas'd, we in consideration of the attachment of the said Company have been graciously pleased to confirm to them from the beginning of the Fussul Rubby of the Bengal Year 1172 as a free Gift & ultumgan without the association of any other person. It is requisite that our royal Descendants, the Vizeers the bestowers of dignity, the Omrahs high in rank, the great officers, the Muttasuddies of the Dewanny, the managers of the Business of the Sultanut, the Jagheerdars & Croories, as well for the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said districts & Pergunnas in possession of the said Company from Generation to Generation for ever & ever. Looking upon them to be insured from Dismission or removal they must on no account whatsoever give them any interruption, & they must regard them as excus'd & exempted from the payment of all manner of customs & demands. Knowing our orders on this subject to be most strict & positive let them not deviate therefrom.

'Written the 24th of Suffer of the 6th Year of the Jaloos (the 12th of August 1765)'.

'Contents of the Zimmun

'Agreeably to the paper which has received our Sign manual our Royal Commands are issued that the Chucles of Burdwan, Midnapoor & Chittagong Etc & also the twenty four Pergunnas of Calcutta (the Zemindary of the English Company) which were granted to the said Company in the time of Meer Mahomed Cossim & Meer Mahomed Jaffier Cawn deceas'd be confirmed to the said Company as a free gift & ultumgan without the association of any other Person

Chucla of Burdwan
Chucla of Midnapoor
Chuckla of Chittagong
The 24 Pergunnas of Calcutta Etc. The Zemindary of the English Company'.

[1] See the Proceedings, Select Committee, Fort William, of 7th September, 1765; also Home Department, Public, O.C. No. 9, dated 9th September, 1765; also I.O., Consultation, 1765, Imperial Record Department, New Delhi, pp. 153–55.

APPENDIX 3[1]

LETTER[2] 'FROM THE GENTLEMEN OF THE DEPUTATION'

(to Moorshedabad), to the President and
Council at Fort William, dated at
'Muta Jyl' 3rd March, 1765.

'To

The Honble John Spencer Esqr
President and Governor & Council
of Fort William.

'Honble Sir & Sirs

'We had the Honor to address you the 25th Ultimo and have this Evening received your favour of the 28 ditto Expressing Your approbation of the Measures hitherto advised of which gives us much satisfaction—We have further to advise you, that We this morning seated the Nabob on the Musnud & Mutually Exchanged the articles of the Treaty in presence of the officers of the Durbar, Mahomed Reza Cawn who arrived on Thursday receiving at the same time a Killaat on admission to his office of Naib Subah—

'We before mentioned that We thought it not advisable to Seat the Nabob on the Musnud till Mahomed Reza Cawn's arrival—The Nabob himself by no means Expressed a Desire to have it done till he arrived and has ever since seemed willing to defer it and it was done this day by our Particular desire, We could no Ways account for the Nabob's Backwardness to be seated on the Musnud till this morning when Nundcomar came to us with a Perwauna to the Nabob obtained from the King thro' Shitabroy under the Private Seal in Consequence of the application that the Nabob had made on the Death of his father promising his Confirmation in the Subahship and desiring to know whether a Tent should as usual on Such occasions be Erected without the City where the Nabob might publickly and with due reverence receive this Perwannah of the King.

'We went soon after to the Kella & Explained the Impropriety of such a Measure—to the Nabob who was so easily convinced & so readily acquiesced in receiving the Government only from the Company that We suppose it a Measure put into his head by some ill advisers If Sunnuds from the King should ever appear necessary We explained to the Nabob that they were to be obtained thro' the Board's Application alone—He seemed Perfectly happy with what has been done for him and fully content to rest himself upon the Board's Advice & Protection—

'We now enclose you the Treaty fully Executed by the Nabob

Muta Jyl
March the 3rd 1765.

We are with respect
Your most humble servants
John Johnstone
As. Wm Senior
Saml Middleton
Ralph Leycester'

[1] See pages 29–31 and pages 38–43 *ante* in this connexion.
[2] See the Consultation, Secret Department, Fort William, of 6th March, 1765

APPENDIX 4

ORIGIN OF THE PRESIDENCY OF FORT WILLIAM IN BENGAL[1]

(In this Appendix we propose to give a short history of the origin of the Presidency of Fort William in Bengal.)

Roughly speaking, before 1682 Bengal had been subordinate to Fort St. George (Madras). In 1682, however, it became, although for a brief period, independent of the latter. One Mr William Hedges was appointed to be the first independent Agent and Governor of the Company's 'affairs and factories in the Bay of Bengal'.[2] His commission of appointment was, as will be evident from the extracts[3]

[1] See in this connexion foot-note 2 on page 117 *ante*.

In the writing of this Appendix we have been materially helped by the extracts from relevant records which the Record Department, India Office, London, very kindly sent to us at our request. We have also been helped by the following works:

(i) *The Diary of William Hedges*, Vol. I (R. Barlow and Colonel Henry Yule), and Vol. II (Colonel Henry Yule). Hakluyt Society, London.

(ii) Bruce's *Annals of the East India Company*, Vol. II.

(iii) *The Early Annals of the English in Bengal*, Books II & III, by C. R. Wilson.

(iv) *Old Fort William in Bengal*, Vol. I, by C. R. Wilson.

[2] The following extracts from *Notices regarding Sir William Hedges* which occur in Vol. II of *The Diary of William Hedges* referred to in foot-note 1 above may be of interest in this connexion:

'We find in the *Court Books** his first selection "to be Chief for managing all the Company's affairs in the Bay of Bengal" on the 3rd September 1681, at a Court held under the presidency of Sir JOSIA CHILD, the Governor of the Company. On the 7th it was formally

'"Resolved that Mr. WILLM. HEDGES who is elected to serve ye Compa in India doe proceed thither under the character of Governor and Superintend. of the Compa affayres in ye Bay of Bengala, and that he be allowed 200£ per ann. salary, and 100£ per annu' gratuity, to commence from ye time of his arrival at the Bay".

'Two days later (9th September) we find:

'"Upon a second debate this day touching the regulating the Company's affayres in the Bay of Bengala, and it being found by experience that many inconveniences have occurred since the factors in the Bay have been made subordinate to Fort St. George; It is ordered that from henceforth the factories of Hughley, Ballazore, Cassumbazar, Pattana, Decca, Maulda, and all other places of the Company's Commerce in the Bay of Bengala, be a distinct Agency independent of the said Fort. And that Mr. WILLM. HEDGES, lately elected Governor and Superintendent of the Bay, be now elected Agent of the Bay".' (*—Hedges' Diary*, Vol. II, pp. ix and x).

(*Obviously, Proceedings Volumes of the Court of Directors).

[3] Obtained from the Record Department, India Office, London Also see *Hedges' Diary*, Vol. II, pp. xv–xvii.

'from the Company's 'Commission to William Gyfford' quoted hereinafter, dated 14th November, 1681. He landed at Hughly on 24th July, 1682[1], and held office as Agent and Governor of the Company's 'affairs in the Bay of Bengal,' from that date till 30th August, 1684,[2] when he was superseded,[3] as will appear from the following extracts, by one Mr William Gyfford (Gifford) who had previously been appointed[4] Agent and Governor of the

[1] See *Hedges' Diary*, Vol. I, p. 2, foot-note 1.

[2] See *ibid.*, pp. 3–5, and pp. 157–58; also *Hedges' Diary*, Vol. II, p. xxv; also C. R. Wilson, *The Early Annals of the English in Bengal*, pp. 87–8.

In his letter No. R. 90/1938, dated 16th February, 1938, Mr W. T. Ottewill, Record Department, India Office, London, informed us that Mr William Hedges had held office as Agent and Governor (of Bengal) from 24th July, 1682, to 30th May, 1684. *May* appears to have been a mistake for *August*. This is supported by the following extracts from *Hedges' Diary*, Vol. I, pp. 152–158 :—

'July 17 (1684).—I was advised by Mr How, Commander of ye Company's little Shipp *Thomas* (newly returned from Fort St. George) that I was Dismist the Company's Service; Mr. Beard made Agent in my place; & Agent Gyfford made President of ye Coast of Cormandell & Bay of Bengal'.

'August 30 (1684).—A Dutch Shippe riding over against this Factory (i.e., Hughly) saluted us with 11 guns as we passed by her. Coming near our Factory, the Shippe *Ann*, Capt. Browne, began to fire guns, in one of which (by ye Gunner's neglect) was a Shott. No sooner was ye President gott ashore, but Aziz Beigh, ye Governour, complained of it, pretending the Shott had killed a man, hoping to have gott some money to accommodate the matter; but failing of their designe, let fall ye pretence.

'About halfe an hour after ye President's arrival in Hugly Factory, he called me, Mr. Beard, Mr. Francis Ellis, Mr. Richd. Frenchfeild, Mr. Thomas Ley and Mr. Richard Gough, into the Counting House, to hear his Comission read; which being done by John Stables, his Secretary, I wished his Honor much joy, with ye rest of ye Company, assuring them I did readily and willingly submit to ye Company's pleasure: to which the President made no other reply but "'t was very well". The Secretary showed me the seal to the Commission, telling me "'t was the Company's". I replyed, "I made no doubt of it".

'September 1 (1684).—President Gyfford called a Consultation; etc. . .'

It may be noted here that, according to Mr C. R. Wilson (*The Early Annals of the English in Bengal*, p. 83), 'The Commission which made Hedges Governor, associated six others with him in the Council of the Bay, Job Charnock, John Beard, John Richards, Francis Ellis, Joseph Dodd, and William Johnson'.

[3] Mr William Hedges appears to have been dismissed from the service of the Company.—See the references mentioned in the preceding foot-note and also *Hedges' Diary*, Vol. II, p. xx.

[4] With John Beard, Job Charnock, Francis Ellis, Richard Trenchfeild (Frenchfeild ?), Sam. Griffith, Thomas Ley, Richard Goff and Edward Oxborough as members of the Council of Hughly—See *Hedges' Diary*, Vol. II, pp. xix–xx.

Company's affairs in the Bay of Bengal, in addition to his duties as Agent and Governor of Fort St. George, Madras :—

'Extracts[1] from the Company's Commission to William Gyfford, dated 29 Dec. 1683.

'The Governor and Compa of Merchts of London tradeing into the East Indies; To all to whome those presents shall come greeting; Whereas by our Commission under our larger Seale, bareing date yre ffourteenth day of November, Anno Domine 1681, and in the three and thirtieth year of ye reigne of our Sovereigne Lord Charles ye Second, by the Grace of God, King of England Scotland Ffrance and Ireland, Defender of ye ffaith &c. Wee did make, constitute, and ordaine Wm Hedges of London Esqr to be Agent and Governour of and for all our affairs in the Bay of Bengala in the East Indies att Hughly, Ballasore, Cassumbuzar, Moulda, Decca, Pattana, and of all and singular other ffactories and Jurisdictions in the Bay of Bengala wthout any Subordination to our Agent and Councell att Fort St George * * * *

'* * Wee doe therefore hereby utterly repeale and revoke, annull and make voyd our aforesd Commission unto the sd Wm Hedges, and all and every the Powers and authorities, priviledges, or immunities thereby granted to him ye sd Wm Hedges,

* * * *

'* * Do hereby make constitute and ordaine him, the sd William Gyfford, or in case of death, or absence of ye sd Wm Gyfford Mr John Bigrig, now Second of our Councell of Fort St George, to be our Agent and Governour of and for all our affaires in the Bay of Bengala aforesd, in ye roome and stead of ye sd Wm Hedges hereby removed from yt trust as aforesd, and to hold and exercise ye same wth all the Powers and authorities belonging to that place together wth his present imploymt of Agent and Governour of ffort St George, Madrasspatam, and of all our ffactories on the Coast of Choromandell and Porto Novo, Coinmeer, and all other our ffactories in the Chinge Country, wch he, ye sd Wm Gyfford, or in his absence John Bigrig afforesd, is to governe and direct wth ye advice of our Councell of Fort St George, and dureing our pleasure by the stile or title of President and Governour of all ye English East India Compas affaires upon ye Coast of Choromandell and in the Bay of Bengala, and to ye sd Wm Gyfford, or in his absence John Bigrig aforesd, may be the better enabled to order and manage all our affaires in ye Bay of Bengala while he is present there, as well as when he shall return to our Fort St George.[2]'

Thus Bengal once more became subordinate to Madras, and continued to be in this state of subordination from September, 1684, to December, 1699, when, as will be evident from the following two extracts, from relevant records, Sir Charles Eyre was appointed Governor[3] of Fort William at Calcutta :—

[1] Obtained from the Record Department, India Office, London.

[2] 'Home Misc. Series, Vol. 803, p. 413', Record Department, India Office, London.

[3] With, according to Mr C. R. Wilson (*The Early Annals of the English in Bengal*, p. 157), the following four gentlemen as the members of his Council at Calcutta:

'John Beard, second, and accountant; Nathaniel Halsey, third, and warehousekeeper; Jonathan White, fourth, and purser marine; (and) Ralph Sheldon, fifth, and receiver of revenues'.

(i)

'Charles Eyre,[1] Esqr., was now unanimously chosen & elected by the Ballot, to be Governour of Fort William, at Calcutta, and President of the Bay of Bengall'.[2]

—('Court Minutes of 14th Decr. 1669'.)

(ii)

'Extract from the Company's Commission to Sir Charles Eyre President and Council in the Bay of Bengal, dated 20th December, 1699.

'Have constituted and ordained, And by these presents do make constitute and ordaine the said Sr Charles Eyre Knt. to be Governour of our Fort William at Calcutta and President of all our Settlements and Affairs in the said Kingdoms of Bengall and Behar in the East Indies and that the said Sr. Charles Eyre do enter upon the said Presidency and Government immediately on his arrivall at Ffort William aforesaid'.[3]

Sir Charles Eyre actually assumed office as Governor of Bengal on 26th May, 1700.[4] Thus Bengal again became independent of Madras, with Sir Charles Eyre as its first Governor under this new arrangement.[5]

[1] 'Knighted' on '17th December, 1699'.

[2] From the 'Court Minutes of 14th Decr. 1699'.—Record Department, India Office, London.

[3] 'Home Misc., Vol. 24, p. 7'.—Record Department, India Office, London.

[4] We are obliged to Mr W. T. Ottewill of the India Office (Record Department), London, for this information.

We also find in Mr C. R. Wilson, *The Early Annals of the English in Bengal*, p. 157:

'With enhanced dignity Sir Charles Eyre arrived in Bengal and resumed office on the 26th May 1700'.

[5] The following extract from a General Letter from the Court of Directors, dated at London December 20, 1699, may be interesting in this connexion:—

'We think fitt to acquaint you, That our Agent Mr Eyres having arrived in the *Tavistock*, and finding our Affairs opposed by those who call themselves a New Company erected by Act of Parliament of which you have ere now received a full Account and the Instruments made use of by that Company, being persons that got their Bread and had their rise in our Service particularly Sir Edward Littleton sent out to manage their Affairs in the Bay of Bengall, Our said Agent having now recovered a good state of health, has (out of a just but unusuall Gratitude) offered his Service to return again to the Bay, not doubting, but by the Assistance of you our Councill, to maintaine and encrease our Interest and Reputation in those parts, and that We may have good and profitable Returnes of those large Effects We have already sent, and shall continue to send you.

'The Consideration of the Great Investments made yearly in Bengall, Our being now possessed of a strong ffortification and large Tract of Land and prospect from thence of raising a considerable Revenue in due time and of your having been made independent of our other ffactoryes hath inclined Us to declare Bengall a Presidency, And

In view of what we have shown above, the following statement made by Peter Auber[1] is not correct :

'In 1715 the factory of Calcutta, hitherto subordinate to Madras, was declared an independent presidency'.

APPENDIX

THE COMMISSION[2] OF THE COURT OF DIRECTORS APPOINTING LORD CLIVE TO BE PRESIDENT AND GOVERNOR OF THE PRESIDENCY OF FORT WILLIAM IN BENGAL, DATED 31ST MAY, 1764

'The United Company of Merchants of England trading to the East Indies,

'To all to whom these presents shall come Send Greeting, 'Know ye that we the said United Company reposing Especial trust and confidence in the fidelity, prudence, justice and circumspection of the Right Honourable Robert Lord Clive, Baron Clive of Plassey in the Kingdom of Ireland, & Knight of the most Honourable Order of the Bath, have made, constituted and ordained, and by these presents do make, constitute and ordain the said Robert Lord Clive, to be president and governor of and for all the said Company's affairs in the Bay of Bengal and other the places and provinces thereunto belonging in the East Indies and also to be our governor and commander-in-chief of our Fort William in the Bay and all the towns & territories thereunto belonging and of all and Singular the Forts, Factories and Settlements, Lands, Territories, Countries and Jurisdictions belonging to us within the Subahship of Bengal, and of all the forces which are now or hereafter may or shall be Employed for the service of the said United Company in the said Forts, Towns and Places; and to execute all and Every the powers and authorities thereunto appertaining, by order and direction of the Court of Dirctors of the said United Company for the time being, & to continue in the Exercise of the same during our & their pleasure, and until the contrary thereof shall be signified under the seal of the said United Company of Merchants of England trading to the East Indies, or under the hands of thirteen or more of the Court of Directors of the said Company for the time being. And to the End the said Robert Lord Clive may be better Enabled to order and manage all the affairs of the said United Company, we do by these presents constitute and ordain William Brightwell Sumner Esqr to be second of our Council of Fort William next after our said president Robert Lord Clive, Brigadier General John Carnac to be and continue third of our said Council, and not to rise to a superior rank therein, Mr William Ellis to be fourth,

We have Constituted our said Agent (on whom his Majesty has been pleased to confer the honour of Knighthood) to be our President there and Governour of our ffort &ca. which we call ffort William'. . .

— See C. R. Wilson, *Old Fort William in Bengal*, Vol. I, pp. 44–5.

[1] See his *Analysis of the Constitution of the East India Company*, etc., London, 1826, p. xxi.

[2] I.O., Public General Letters from Court, Serial No. 7, 1764–67, pp. 33–40, Imperial Record Department, New Delhi.

Mr Chas: Stafford Playdell to be fifth, Mr William Billers to be sixth, Mr Harry Verelst to be seventh, Mr John Cartier to be Eighth, Mr Warren Hastings to be ninth, Mr John Johrstone to be tenth—Mr Francis Sykes to be Eleventh—Mr William Hay to be twelfth—Mr Randolph Marriott to be 13th, Mr Hugh Watts to be 14th, Mr Ascanius Wm Senior to be 15th, & Mr John Chambers to be 16th and last of our said Council of Fort William for governing and managing all the said Company's affairs in Bengal, and the places and provinces belonging to us as aforesaid. And we do hereby give and grant unto our said president and governor Robert Lord Clive and to our Council afore-named, or the major part of them (the Council being duly summoned) full power and authority from time to time to rule and govern all and every our Factors and Servants under the said presidency, and all the soldiers and inhabitants of our said Fort William and all the Towns and Territories thereunto belonging, and of all and singular the ports—factories and settlements, lands, territories, Countries & jurisdictions belonging to us within the Subahship of Bengal, to *administer lawful oaths as occasion shall require*, and to do and perform all such other acts and things and to use and Exercise all such other powers and authorities as the said president and governor and his Council in their several and respective places where the said United Company have or shall have factors or any places of Trade are authorized to do, according to such instructions and directions as the said Robert Lord Clive our President and Governor and Council aforesaid shall from time to time receive under the hands of thirteen or more of the Court of Directors of the said United Company for the time being. And we the said United Company hereby order and require all our factors, servants, officers and soldiers, within the limits of the said presidency, and all the people and inhabitants of the said Fort William and all the towns and territories thereunto belonging, to conform, submit and yield due obedience unto him the said Robert Lord Clive our said president and governor and his Council accordingly. And for asmuch as it is altogether necessary that in case of the death or removal of the said Robert Lord Clive, our presidency should be provided for the defence and government thereof, we do therefore by these presents ordain and appoint that in such case the said William Brightwell Sumner Esqr shall immediately be and succeed in the place and charge of president and governor of Fort William aforesaid, and in case of his death or removal, the next in degree of Council below the said Brigadier General John Carnac, shall succeed in the said presidency and government in as full & ample manner and with as large and ample powers, privileges and authorities as are hereby granted unto the said Robert Lord Clive until our further pleasure be known therein. And we do hereby revoke, repeal, annul and make void every former commission or commissions given and granted by us whereby any other person or persons was or were constituted and ordained president and governor and any other persons therein named were constituted and ordained to be of the Council at Fort William aforesaid. In witness whereof we the said United Company have caused our common seal to be affixed to these presents the one and thirtieth day of May in the fourth Year of the reign of his most Excellent Majesty George the Third by the Grace of God of Great Britain—France and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, 1764

'Signed by order of the Court of Directors of the said United Company.

ROBT. JAMES SEC:'

APPENDIX 6

A COPY OF THE OATH TAKEN BY LORD CLIVE AS GOVERNOR, AND ALSO A COPY OF THE PENALTY BOND EXECUTED BY HIM (ON 1ST OCTOBER, 1766).[1]

OATH

'I Robert Lord Clive President & Governor of Fort William in the Kingdom of Bengal in the East Indies do voluntarily of my own free Will and accord most solemnly & sincerely swear Testifye and Depose in the Presence of Almighty God that I will not from this time forward during my Continuance as President or Governor of Fort Will am directly or Indirectly carry on use or exercise any Trade or Commerce in the way of a Merchant or otherwise traffic adventure or Trade in any Commodities whatsoever, at, to, in, or from the East Indies China Persia or Mocha or in any part thereof or elswhere (*sic*) between the Cape of Good Hope and the Streights of Magellan either on my own account or in Company with or on account of any other Person or Persons in any article of Merchandise whatsoever/save and except for the Benefit of the English East India Company, and excepting such Goods and Merchandizes as shall be remaining on Hand and unsold at the time I commenced President and Governor of Fort William, and wherein I now have any share or Interest, which only I shall sell or may dispose of or give Commissions or Directions for the selling of the same/and further, save and except, (*sic*) and it is the true intent and meaning hereof, that nothing herein contain'd shall extend to prevent preclude or hinder me from sending or Remitting my Estate and Fortune to England by Bills, purchasing Diamonds or other precious stones provided I do not dispose of the same by way of Barter or sale here or in any other part of the East Indies, or in any other shape whatsoever/and that I will not directly or Indirectly from henceforward during my Continuance as President & Governor of Fort William advance, Lend or place out any sum or sums of Money at any Rate, premium or Interest exceeding ten[2] P Cent P Annum, so that (not ?) the least Interest, share, Portion, Dividend, or any other Profit Advantage or Emolument whatsoever shall in Respect thereof exceeding the Premium or interest of ten[3] P Cent P Annum abovemention'd arise or accrue unto me my Heirs Executors or Administrators or unto any other Person or Persons whatsoever thro' friendship favor or Influence exerted by me in their Behalf contrary to the true intent or spirit of this oath.

'And I do most solemnly swear that I will not upon any Account or Pretence whatever directly or Indirectly take accept or receive nor knowingly wittingly or willingly suffer or permit to be accepted, taken or received by any Person or Persons in trust for me my Heirs Executors or Administrators or for any other Person or Persons whatever out of personal Friendship to them, or receive to my own Interest Directly

[1] See in this connexion pp. 125–33 *ante* and also the references given thereon.
[2] In the case of the oath taken by Mr Verelst, this figure was 12.
[3] Twelve, in the case of the oath taken by Mr Verelst.

or Indirectly any Jewells Effects Sum or Sums of Money whether by Bonds, Bills, obligations or otherwise, or accept of, retain or keep any Fee Gratuity or Reward in Jewels Effects money or obligations or Promises or Assurances of Money in Writing of any Nature or other Thing whatsoever which has been heretofore deposited for services promis'd to be perform'd or which shall heareafter be Deposited Lent recd or paid into my Hands or Custody or to any other Person's in trust for me, nor knowingly permit or suffer any other Person or Persons to receive take or accept of the same, or any part thereof, by my authority or Influence from any King Prince, Vizir, Monsubdar, Nabob Dewan, Phouzdar, Zemindar or from any person or Persons natural born subjects of the East Indies, China Persia or Mocha of what degree nomination or Quality soever, or from any servant or Agent or Council of any King, Prince, Vizir, Monsubdar, Nabob Dewan, Phouzdar or Zemindar exceeding the value or Amount specified in our Covenants with the said United Company : the full intent and meaning of this oath being, and I do most solemnly swear that my full and true interest and meaning is, that in consideration of the sum of one and one eighth P Cent upon the Revenues of Bengal Bahar & Orixa/save and except the Revenues of the Lands of the said United Company at Calcutta Burdwan Midnapore and Chittagong/to be paid to me in Monthly, Quarterly or Yearly payments during the time I shall continue to be President and Governor of Fort William and likewise in Consideration of my salary stated Allowances & Commission upon the Mint, Coral, and upon freight Goods and 10 P ct interest or Premium upon any sum or sums of money I shall or may hereafter Lend advance or place out at Interest as beforemention'd, no other Emolument or advantage whatsoever shall in any wise however directly or indirectly arise or accrue unto me my Heirs Executors or Administrators, or to any other Person or Persons whatever thro' favor or Friendship from me either from my office, or for, or by Reason or means of the Influence and Authority I may have as President and Governor of Fort William.

'I further swear that I will not myself receive or knowingly permit any other Person to receive any Fee Gratuity or advantage from the disposal of any Place or employment or office to any European or any other person whatever in or out of the Company's service and that I will not in any manner break thro' or act in any Respect during the time I shall continue to be President & Governor of Fort William contrary to any Article Covenant Clause Promise or Agreement contain'd in or the true Interest and meaning of a certain Indenture bearing Date this first day of October one thousand seven Hundred and Sixtysix and made or mention'd to be made between the said United Company of the one part and Robert Lord Clive of the other Part but that I will truly and faithfully perform the same[1]

[1] In the case of the oath taken by Mr Verelst, the following additional words occur :

'Provided always, and it is hereby understood and provided, That if any orders or directions should arrive from the Honourable the Court of Directors relative to any appointments, for the support, maintenance and emoluments of the president and governor of Fort William, which the said president may prefer to the considerations specified in this oath ; that then, and in this case, the above oath and indenture shall be void and of no effect'.

So help me God',

PENALTY BOND

'This Indenture made the first day of October in the sixth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King, Defender of the Faith etca and in the year of our Lord one Thousand seven Hundred and sixty-six. Between the United Company of Merchants of England trading to the East Indies on the one part and Robert Lord Clive Baron Clive of Plassey in the Kingdom of Ireland, President and Governor of Fort William in the Kingdom of Bengal on the other part Witnesseth that in Consideration of the said Robert Lord Clive's being President & Governor of Fort William and in Consideration of the several Sum and Sums of Money to be received by him the said Robert Lord Clive in manner following, that is to say, the sum of one and one eighth P Cent upon the Revenues of Bengal Bahar & Orixa/save and except the Revenues of the Lands of the said United Company at Calcutta Burdwan Midnapore & Chittagong/to be paid unto him in monthly quarterly or yearly payments during the time he shall continue to be President and Governor of Fort William aforesaid, and also in Consideration of his Salary stated allowances and Commission upon the Mint Coral and upon Freight Goods. The said Robert Clive doth hereby for himself his Heirs Executors and Administrators Covenant promise and agree to and with the said United Company and their successors that the said Robert Lord Clive during the time he shall continue to be President and Governor of Fort William aforesaid shall not directly nor Indirectly upon any Pretence or Pretext whatsoever carry on use or exercise any trade or Commerce in the way of a Merchant, or otherwise traffick adventure or trade in any Commodities whatsoever at, to, in or from the East Indies China Persia or Mocha, or in any part thereof or else where between the Cape of Good Hope and the Streights of Magellan, either on his own account or in Company with or for or on account of any other Person or Persons in any article of Merchandize whatsoever (save and except for the Benefit of the English East India Company, and except in such Goods and Merchandize as shall be remaining on Hand and unsold at the time he the said Robert Lord Clive commenced President and Governor of Fort William, and wherein he now hath any share or Interest which only he shall or may sell or dispose of or give Commissions or Directions for selling the same, and further save and except and it is the true Intent and meaning hereof that nothing herein contained shall extend[1] to prevent preclude or hinder him the said Robert Lord Clive from purchasing Diamonds or other precious stones provided he does not dispose of the same by way of Barter or sale here or in any other part of the East Indies or from sending or remitting his Estate or Fortune to England by Bills or in any other shape whatsoever/nor barter sell or Exchange any kind of Goods, wares or Merchandizes, nor accept from nor give to any person or persons Commissions for managing or transacting Business or affairs of Merchandize/except as before is excepted) and the said Robert Lord Clive doth hereby further Covenant promise and agree to and with the said United Company and their successors that the said Robert Lord Clive shall not nor will himself nor shall wittingly or willingly permit or suffer any other person or persons in his Name or to his use to advance Lend or place out any sum or sums of Money at a greater Rate premium or Interest than 10 P Cent P annum so that not the least Interest Share Portion or Dividend or any other Profit advantage or Emolument whatsoever shall in respect

[1] "or be construed to extend"

thereof exceeding the said Premium or Interest of 10 P Cent P Annum as aforesaid arise or accrue unto him the said Robert Lord Clive His Heirs Executors or Administrators or unto any other Persons whatever thro' friendship favour or influence exerted by him in their Behalf contrary to the true interest and spirit of the oath hereunto annexed. And the said Robert Lord Clive doth hereby further covenant and agree that he shall not nor will upon any account or pretence whatsoever directly or Indirectly accept take or receive nor knowingly wittingly or willingly suffer or permit to be accepted taken or received by any person or persons for his use or in trust for him his Heirs Executors or administrators or any other person or persons whatever out of personal Friendship to them or Regard to his own Interest directly or indirectly any Jewels Effects Sum or Sums of Money whether by Bonds Bills Notes obligations or otherwise or accept of retain or keep any Fee Gratuity or Reward in Jewels Effects Money obligations or promises or assurances of Money in writing of any Nature or other thing whatsoever which has been heretofore deposited for services to be performed or favours to be received or which shall hereafter be Deposited lent received or paid into his Hands or Custody or into the Hands or Custody of any other Person or persons in trust for him, nor knowingly permit or suffer any other person or persons to receive take or accept of the same or any part thereof by his authority or Influence from any King Prince Vizir Monsubdar Nabob Dewan Phouzdar Zemindar or from any other Person or Persons natural born subjects of the East Indies China Persia or Mocha, of what Degree Nomination or Quality soever or from any servant Agent or Council of any King Prince Vizir Monsubdar Nabob Dewan Phouzdar or Zemindar exceeding the Value or amount specified in the Covenants with the said United Company. And the said Robert Lord Clive doth further covenant and agree that no other emolument or advantage whatsoever/excepting as herein excepted/shall in any wise howsoever directly or indirectly arise or accrue unto him his Heirs Executors or Administrators or to any other person whatever thro' favor or Friendship either from his office or for or by Reason or means of the Influence or Authority he may have as President and Governor nor will he the said Robert Lord Clive receive or knowingly permit any other person to receive any fee gratuity or advantage from the disposal of any place employment or office to any European or any other person whatever in or out of the Company's service. And in order to a discovery to and satisfaction for any Actings or Doings of the said Robert Lord Clive or breach of any Covenant Clause Article or Agreement herein contained contrary to the true Interest and meaning hereof. It is hereby agreed that it shall and may be lawful to and for the said United Company and their successors to exihibit or file any Bill or Bills of Complaint of Discovery in his Majesty's Court of Chancery or Exchequer at WestMinster, or by three or more of the Council at Fort William for the time being on behalf of the said United Company in the Honble the Mayor's Court for the Town of Calcutta at Fort William aforesaid or by any other Person or Persons whatsoever against him the said Robert Lord Clive his Heirs Executors or Administrators whereunto the said Robert Lord Clive doth hereby agree that he will not demur nor plead in Bar of the Discovery or Relief sought by such Bill or Bills that hereby he is, may or shall become liable to any penalty or Forfeiture by force of any Law or Statute Bond Covenant Agreement or otherwise howsoever but shall make and put in a full and perfect answer and answers to all the Parts thereof and shall not in such answer or answers insist upon any

Penalty Forfeiture Law or Statute Bond or Covenant or agreement or alledge any matter whatsoever whereby to prevent bar or preclude the said Company or any other Person or Persons from the discovery or Relief sought or to be sought by such Bill or Bills as aforesaid; and for the true full and faithful Performance of every Article, Clause promise Covenant and Agreement herein contained the true intent and meaning thereof on the part and behalf of the said Robert Lord Clive he the said Robert Clive doth hereby bind and oblige himself his Heirs Executors and Administrators unto the said United Company and their successors in the penal sum of 150000 £ of Lawful Money of Great Britian to be recovered in case the said Robert Lord Clive shall act contrary to the true Interest and meaning of these presents, one third part of the said sum of 150000 £ sterling to be paid and be payable unto such person or persons as shall sue for the same after Information and full proof shall be made thereof in the Court of Chancery Exchequer or the Mayor's Court Calcutta or before the Court of Directors of the said United Company or their successors or before the Council of Fort William aforesaid, & the remaining two third Parts thereof shall be paid to and for the use of the said United Company and their successors.

'In Witness whereof the President and Council of Fort William in behalf of the said United Company have hereunto set their Hands & the seal of the said Company on the one part, & the said Right Honble Lord Clive has set his Hand & Seal on the other Part this first day of October 1766'.

APPENDIX 7

ROTATION GOVERNMENT

In the course of his evidence before a Parliamentary Committee Clive 'gave out the following [1]:

"That the Country being now just settled, he returned to *Calcutta*, with an Intention to embark for the *Carnatick*, and taking the First Honourable opportunity of returning to his native Country; but in the Interim the Ships arrived from *Europe*, which brought out the very strange Appointment of Four Governors, which was called a Rotation Government, because one Governor was only to be as such for Three months—He had not the Honour to be appointed one of those Governors—upon which, the Gentlemen who had that Honour, as well as the rest of Council, sent him the following Letter.

'Sir,

'Our most serious Attention has been devoted to the Commands of our honourable Employers *per Hardwick*, naming a Rotation of Governors for the future Management of their Affairs at this Settlement, and having duly weighed the Nature of this Regulation, with all its attending Circumstances, a sincere Conviction of its being, in our present Situation and Circumstances, repugnant to the true Interest of our honourable Masters, and the Welfare of the Settlement in general, obliges us (though with the utmost Respect and Deference) to believe, that had our Employers been apprized of the present State of their

[1] See the First Report from the Select Committee (House of Commons) on the Nature, State and Condition of the East India Company, dated 26th May, 1772; also the Consultation, Fort William, of 26th June, 1758 (in *Bengal & Madras Papers*, Vol. III, 1757–1795, Imperial Record Department, Government of India, Bengal Public Consultations, 1758, pp. 29–31); also Forrest, *The Life of Lord Clive*, Vol. II, pp. 48–50.

Affairs in this Kingdom, they would have placed the Presidentship in some one Person, as the clearest and easiest Method of conducting their Concerns, as well as preserving and maintaining the Weight and Influence the late happy Revolution has given us, with the Soubah of these Provinces, on which Influence, at the present period, the Interest and Welfare of the Company depends in the highest Degree at this Settlement. The Difficulties We may be liable to by a Rotation in the Executive *Part* of Government, with its Consequences, are sufficiently obvious in our present State of Affairs; we will however mention only a few points. The Treaty with the Nabob not perfected in all its Branches, the Possessions of the Lands incomplete, the Settlement in no Posture of Defence, the *French* considerably reinforced with Military and a Fleet, their Designs with respect to Bengal hitherto unknown, and the Impossibility of impressing a proper Idea of this divided Power in the Minds of the Soubah and others, of this kingdom, who have, at all Times, been accustomed to the Government of a single Person; a little Reflection will introduce many more, and clearly evince the Necessity of this Address.

'The Gentlemen nominated Governors in the honourable Company's Commands per *Hardwick*, have the highest sense of Gratitude for the Honour conferred on them by our Employers in their Appointment, but deem themselves in Duty bound at this Juncture of Affairs to wava (waive ?) all personal Honours and Advantages, and declare as their Sentiments, that a Rotation in the executive Part of Government, for the foregoing Reasons, would be extremely prejudicial to the real Interest of the Company; in which opinion We unanimously concur, and judge it for the Welfare of our honourable Employers, and of the Settlement in general, to deviate in this Instance from the Commands of our honourable Masters, and fix the Presidentship in a single Person till we hear further from *Europe*.

'Your being named as Head of the General Committee (in the Letter of 3d of August last) establishing at that time, for conducting the Company's Affairs in Bengal, Your eminent Services, Abilities, and Merit, together with your superior Weight and Influence with the present Soubah and his Officers, are Motives which have great Force with us on this occasion, and all concur in pointing out you, at the present, best able to render our honourable Employers necessary service at this Juncture, till they shall make their further Pleasure known by the Appointment of a President for their Affairs here.

'These Reasons urge us to make You an offer of being President of the Company's Affairs in Bengal, till a Person is appointed by the honourable Company; and we flatter ourselves you will be induced to accept of our offer from your wonted Regard to the Interest of our honourable Employers, and Zeal for the Welfare of their Affairs, which We doubt not you are as well as ourselves convinced, will be much prejudiced by a Rotation in the executive Part of Government.

'We wait your Reply, and have the Honour to be,

Sir,

Your most obedient and most humble servants,

	Wm[1] Watts	M.[4] Collet
Fort William	C[2] Manningham	W.[5] Mackett
26th June, 1758	Richd[3] Becher	Tho.[6] Boddam'"

[1] William. [2] Charles. [3] Richard. [4] Mathew. [5] William. [6] Thomas

On the same day (i.e., 26th June, 1758) Clive sent the following reply[1] to the Council, accepting the offer made to him by the latter :—

'To

The Hon'ble William Watts, Esq., and the rest of the Gentlemen of the Council of Fort William.

'Gentlemen,

'I have received your letter of this day's date and cannot sufficiently express the grateful sense I have of the favourable opinion you are pleased to entertain of me, the which has induced you to desire my acceptance of the presidency at this critical juncture.

'Though I think I have cause to be dissatisfied with the Court of Directors for laying me aside in their new form of government without any reason assigned, after having n m d me as head of the General Committee in the letter of the 3rd, August last, yet animated by the noble example of public spirit which you have set me, I have determined to waive all private considerations when the general good is concerned, and as there is no doubt but the government of a single person, involved as we are with the country powers, must have infinite advantages over the complicated form of government established from home, I shall from that motive, though both my health and private concerns strongly require my returning to Europe, accept the offer you have done me the honour to make me till such time as our employers have appointed the usual forms.

'I cannot omit testifying my acknowledgments, gentlemen, to you all in general for the zeal you have discovered for the service of our masters on this occasion, but in particular to you who have been nominated in the rotation Governors; you have made such a sacrifice that few, if any, instances can be given of the like; you have of your own accord parted with the dignity of Government and all the advantages thereunto annexed, because you apprehended the Company's affairs could not be properly conducted under a Government so constituted.

'Unequal as I am to the weighty task of directing this Presidency, especially in civil matters to which I have never been able to give a due attention on account of my military avocations, I am now, gentlemen, to beg the assistance of you (r?) advice, and, therefore, hope you will persevere in the zeal you have hitherto so abundantly shown, and that none of you, but more particularly Mr Watts who can render me considerable services from his thorough knowledge of the politics of this country, will entertain a thought of leaving me till affairs are finally determined from home.

I am,
GENTLEMEN,
Your most obedient humble Servant,
ROBERT CLIVE.'

CALCUTTA,
The 26th June 1758.

APPENDIX 8[2]

LORDS CLIVE'S JAGHIRE

The Jaghire referred to in line 6 on page 143 *ante* was, as noted in foot-note 3 on that page, granted to Lord Clive by Nawab Jaffier Ally

[1] See the Consultation, Fort William, of 26th June, 1758, in *Bengal & Madras Papers*, Vol. III, 1757–95, pp. 29–31 (referred to above in foot-note 1 on page 639); also Forrest, *The Life of Lord Clive*, Vol. II, pp. 50–51.

[2] See page 143, foot-note 3.

Cawn (Meer Jafar). According to a Parliamentary Report[1], the 'Manner in which Meer Jaffier gave Lord Clive his Jaghire' was as stated below:—

'Francis Sykes, Esquire, a Member of the House (of Commons) being requested to relate what he knew of that Transaction, informed your Committee, That he was appointed Resident at the Nabob's Court on the Leave of Absence of Mr. Hastings; to the best of his Remembrance it was in June or July 1758; that he was with the Nabob upon Business relative to the Company, when the Nabob speaking to him of Lord Clive's Expedition against the Shawzadda, mentioned the sense he entertained of Lord Clive's conduct towards him, and likewise in reducing the Shawzadda to such Necessity as to apply to his Lordship to put him under the English protection:—He mentioned also, that he owed his Government to Colonel Clive before, and this was the Second Time he was indebted to him for it; that he had been a Means of having Honours conferred on Colonel Clive, in creating him an Omrah of the Empire, but that he had given him nothing to support those Honours; he had frequently had it in his Thoughts, but had never entered upon it seriously till now; that he had Thoughts of giving him a Jaghire in the Patna Province, but found it would be attended with Inconvenience to the officers of his Government, and that Juggutseat had fallen upon a method of obviating those Difficulties, by giving him the Quit Rent arising from the Lands ceded to the Company to the Southward of Calcutta; that he thought it would interfere the least with his Government, and stood the clearest in relation to the Company's Affairs.

'The Witness said, That to the best of his Remembrance he mentioned to the Nabob, that he thought it was a large sum; but the Nabob told him, that it was very little adequate to the Services he had received from the Colonel, but more especially for his Behaviour upon the Capture of Muxadabad, when the whole Inhabitants expected to be put under Contribution, and that none of them had experienced a Conduct of that kind, for that their Persons, as well as their Properties, were entirely secured to them; that the Nabob also desired at that meeting, that the Witness would acquaint him when he heard of the Colonel's coming down to the Country, and in the meantime he would prepare an Instrument called the Jaghire; that he would give the Colonel the Meeting, and desired the witness's Attendance at the time it was to be presented; that the Witness did attend him, in Company with Juggut Seat & other Persons, and met the Colonel Two Miles to the north of the City, when, after some Conversation betwixt the Nabob and Colonel Clive, the Nabob retired, and Juggut Seat, in the Presence of the witness, & he thinks of Mr Scrafton, presented him, from the Nabob, with the Jaghire'.

The following extract from a letter[2] which Nawab Jaffier Ally Cawn wrote to the Governor and Council of Fort William on 27th March, 1764, may be interesting in this connexion:—

'I am informed by Major Carnac, that the Gentlemen of Council at Calcutta, in Conformity to the Directions of the Counsellors in

[1] See the First Report from the Select Committee (House of Commons) on the 'Nature, State and Condition of the East India Company', dated 26th May, 1772.

[2] See the Consultation, Fort William, of 23rd April, 1764; also the First Report, Select Committee, House of Commons, dated 26th May, 1772, Appendix 15.

Europe, have taken Possession of, and propose paying into the Company's Treasury, the Rents of the Jagheer, which I assigned to my Son Colonel Clive, in Consideration of the great Services he performed for me, and which God is my witness I gave him, without his desiring it, merely as a Reward for his dutiful and affectionate Behaviour to me. This Affair surprised me greatly, because no other Gentlemen have any Right to what I have given to my Son Colonel Clive'.

As already noted in foot-note 3 on page 143 *post*, the income from the Jaghire was 222958 sicca rupees per annum.[1]

APPENDIX 9

COPIES OF THE SEPARATE COMMISSIONS OF APPOINTMENT AS COMMANDER-IN-CHIEF[2] OF THE COMPANY'S MILITARY FORCES IN BENGAL OR OF THE COMPANY'S MILITARY FORCES IN THE EAST INDIES, AS THE CASE MIGHT BE.

(i)

'The United Company of Merchants of England, trading to the East Indies,

'To Eyre Coote, Esquire, Lieutenant Colonel in His Majesty's Service, and Commandant of the Eighty-fourth Regiment of Foot, Greeting :—

'We, the said United Company, do by these Presents constitute and appoint you Eyre Coote, Esquire, to be Commander in Chief of all our Military Forces, at our Presidency of Fort William in Bengal, and the several Places and Settlements subordinate thereto; you are therefore, to the utmost of your Skill and Power, to do and perform all such offices and Services as appertain to the post of Commander in Chief of all our Military Forces in Bengal, as aforesaid, subject however to all such Rules, Orders, and Instructions, which you shall at any Time receive from the Court of Directors of the said United Company of Merchants of England trading to the East Indies, for the Time being, or from our Governor and Council of Fort William aforesaid, for the Time being: And we do hereby strictly require, charge, and command, all Commission Officers, Non-Commission Officers, Soldiers, and others, belonging to the Military Forces in Bengal aforesaid, to yield you, as their Commander in Chief as aforesaid, due obedience accordingly. In witness whereof, we have caused our Common Seal to be affixed to these Presents, the 14th Day of March, in the Year of our Lord One thousand Seven hundred and Fifty-nine, ...'

(ii)

'The United Company of Merchants of England, trading to the East Indies,

'To Major General Stringer Lawrence, send Greeting.

'We, the said United Company, reposing especial Trust and

[1] Also see in this connexion Appendix 2 (c).

[2] See the Commons' Report, First, dated 26th May, 1772.

These Commissions to some extent indicate the constitutional position of the Commander-in-Chief at the time to which they relate.

Confidence in you Major General Stringer Lawrence, do by these Presents constitute and appoint you to be Commander in Chief of all our Military Forces in the East Indies, under our respective Presidencies; that is to say, our Presidency of Fort Saint George, on the Coast of Choromandel, and the several Settlements and Places subordinate to the said Presidency, whenever and as often as you shall be present and reside at the said Presidency, Settlements, or Places, and during such Time or Times only; our Presidency of Fort William in Bengal, and the several Settlements and Places subordinate thereto, whenever and as often as you shall be present and reside at the said Presidency, Settlements, or Places, and during such Time or Times only; our Presidency at Bombay, and the several Settlements and Places subordinate thereto, whenever and as often as you shall be present and reside at the said Presidency, Settlements, or Places, and during such Time or Times only; our Presidency of Fort Marlborough, and the several Settlements and Places subordinate thereto, whenever and as often as you shall be present, or reside at the said Presidency, Settlements, or Places, and during such Time or Times only. And you Major General Stringer Lawrence are to the utmost of your Skill and Power, to do and perform all such offices and Services as appertain to the Post of Commander in Chief of all our Military Forces in the East Indies as aforesaid, subject however to all such Rules, Orders, and Instructions, as you shall at any Time receive from the Court of Directors of the said United Company of Merchants of England, trading to the East Indies, in Writing, or under the Hands of Thirteen or more of them, or from the said Company's Presidents and Councils of Fort Saint George, Fort William, Bombay, or Fort Marlborough, respectively, whenever you shall be present at such respective Presidency, or any of the Settlements or Places subordinate thereto, according to the Rules and Discipline of War, in pursuance of the Trust we hereby repose in you: And we do hereby strictly require, charge, and command all Commission Officers, Non Commission Officers, Soldiers, and others, belonging to our Military Forces at the Several Places beforementioned, to yield you, as their Commander in Chief, during your residence at such Places as aforesaid, due Obedience accordingly.

'In Witness, etc.

'Dated the 11th March, 1761'.

(iii)

'The United Company of Merchants of England, trading to the East Indies,

'To Major General Eyre Coote, Greeting.

'We, the said United Company, reposing especial Trust and Confidence in you Major General Eyre Coote, do by these Presents constitute and appoint you to be Commander in Chief of all our Military Forces in the East Indies, and you are, to the utmost of your Skill and Power, to do and perform all such offices and Services as appertain to the Post of Commander in Chief of all our Military Forces in the East Indies as aforesaid, subject however to all such Rules, Orders, and Instructions, as you shall at any Time receive from the Court of Directors of the said United Company of Merchants of England, trading to the East Indies, in Writing, or under the Hands of Thirteen or more of them, or from the Commissioners appointed to superintend their Affairs in India, or from the said Company's Presidents and

Councils of Fort Saint George, Fort William, Bombay, or Fort Marlborough, respectively, whenever you shall be present at such respective Presidency, or any of the Settlements or Places subordinate thereto, according to the Rules & Discipline of War, in pursuance of the Trust we hereby repose in you: And we do hereby strictly require, charge, and command, all Commission officers, Non Commission Officers, Soldiers, and others, belonging to our Military Forces, at the several Places before mentioned, to yield you, as their Commandar in Chief, during your Residence at such Places as aforesaid, due Obedience accordingly. In Witness whereof, the said United Company have caused their Common Seal to be affixed in London, this 22nd Day of December, ...in the year of our Lord One thousand Seven hundred and Sixty-nine'.

APPENDIX 10

COPY OF A MEMORIAL FROM CIVIL SERVANTS IN BENGAL TO THE COURT OF DIRECTORS [1]

'To The Honble. the Court of Directors for affairs of the United Company of Merchants of England trading to the East Indies.

'May it please Your Honors.

'When your Servants in any instance think themselves aggrieved, you have been pleased to favor them with the indulgence for an application for Redress immediately to yourselves, thro' the Channell of your President & Council. No occasion could more urgently call for this disagreable (*sic*) necessity of claiming this Privelege (*sic*) than the Situation wherein we now find ourselves, by a circumstance from which we think we have received a most unmerited & mortifying Injury and disgrace.

'Various Letters from Madras, inform us, that the Select Committee have invited Messrs. Claud Russell, Wm Aldersay,[2] Thomas Kelsall, & Charles Floyer of that place to succeed to Seats in Council upon this Establishment, and that those Gentlemen are accordingly on their way hither. Were we conscious of having neglected our duty, or behaved unfaithfully in the trust reposed in us, we should submit with patience, & look upon such a severity to be justly inflicted upon us; but satisfied as we are of our innocence, we are struck with amazement and utterly at a loss how to account for such a Proceeding.

'As to the abilities of those Gentlemen, we cannot but flatter ourselves, that many may be found on this establishment in no respect inferior to them, and as to the Companys business and Interests in Bengal, we must in that point surely be superior to them.

'If our integrity be called in question, it is most certainly a cruel act, thus to stigmatize a whole Settlement unheard; such a Procedure could not fail to damp our Zeal for Your Service & make our Duty a burthen to us, had we not an entire conviction of obtaining redress from your impartiality and Justice.

[1] See page 206 *ante*, and foot-note 1 thereon; also the Proceedings, Select Committee, Fort William, of 20th January, 1766, in the Bengal Select Committee Proceedings, Vol. 20A, India Office Copies, Imperial Record Department, New Delhi.

[2] Aldersey?

'In the 47th Paragraph of your Commands of the 19th Febry. 1762 you were pleased to give us reason to hope that your Servants here should rise in regular succession & not have the mortification of being superceded (*sic*) but when cases of an absolute necessity should force you to a diviation : These flattering hopes from you our Masters, must undoubtedly add weight to the sense we entertain of the injury done us upon this occasion by our fellow Servants, whom we never understood to be appointed the Judges of such a Necessity, or invested with an authority to make any appointments upon your civil list. And this Step from the present Committee is the more affectingly striking, as Lord Clive, in his Letter to Your Honors of 27th April 1764 has the following sentence—

"The Heartburnings and Disputes which seem to have spread and overrun your Settlement at Calcutta, arose, I much fear, from Your appointment of Mr Vansittart to the Government of Bengal from an other (another?) Settlement, altho' his promotion was the effect of my recommendation : the appointment therefore of Mr Spencer from Bombay, can only tend to inflame these dissentions and to destroy all those advantages which the Company can only expect from Harmony & unanimity amongst their Servants abroad".

'We wish ever to preserve that respect which is due to our Superiors in the Service, and we hope it will appear to you, that we are absolutely forced into this representation, and that we should be men unworthy your service if we did not express our deep sense of the injustice we have suffered. To you we submit our cause, not doubting but you will redress our grievances. This will be adding to the obligations already received from you, & we beg leave to assure you, that we shall ever retain a grateful sense of it & ever serve you with zeal & fidelity. The Gentlemen of the Council who have set their hands to this Address altho' not immediately affected by the measure that has been taken, have done it as a testimony of their sense of the unjust reflection cast upon your Servants in general on this Establishment And the Gentlemen to whose names the asterism is prefixed being absent from the Settlement, and at too great a distance to have the Original circulated to them before the dispatch of the Ships, could not sign themselves, but having received Copies thereof have approved it, & desired their names to be subscribed.

'We are with the utmost respect
May it please your Honors
Your most faithful, obedient and most
devoted humble Servants'.

APPENDIX 11[1]

INSTRUCTIONS TO CONTROLLING COMMITTEES

We have given before[2] detailed information in regard to the five Controlling Committees constituted in March, 1771. We give below exact copies of the 'general Instructions'[3] which the President and

[1] See foot-note 7 on page 216, and foot-note 1 on page 224.
[2] See pages 216–32 *ante*.
[3] Also see in this connexion page 224, foot-note 3; also page 226, foot-note 3; also page 227, foot-note 2; and also page 229, foot note 2, *ante*.

Council at Fort William ordered[1] on 21st March, 1771, to be issued by their Secretary to the different Committees.

(*a*)

'To the Honble John Cartier Esqre
President & Members of the Comptrolling
Committee of Treasury

'Honble Sir & Sirs.

'The Honble the President and Council have given me orders to inform you that the Honble the Court of Directors in their Letter to the Commissioners wherein they command that Comptrolling Committees shall be appointed for the better Management and Regulation of every part of their affairs having observed that in regard to a Committee of Treasury if it shall appear that the present Regulations concerning it require no alteration or amendment the same may be continued according to the present Mode--They the said President and Council have been pleased to direct that the Committee of Treasury do remain on its present footing and Establishment.

'They have however thought proper to make the following Regulations.

'That you do not make any Issues from the Treasury without an Order in writing from the Board, And that you do weekly lay before the Board for their Inspection an exact state of the Treasury.

'And they recommend to your attention any Improvement or alteration in the management of the Treasury or in the method of conducting the Business which may appear to you to promise any advantage to the Company referring it first to the Board for their confirmation before you carry it into Execution. They have been pleased to appoint Mr George Bright the Sub-Treasurer to the Post of Clerk to your Committee'.

(*b*)

'To the Honble John Cartier Esqre
President & Members of the Comptrolling
Committee of Revenue

'Honble Sir & Sirs

'The Honble the President and Council having given me Orders to inform you that in pursuance of the Honble the Court of Directors Commands in their Letter to the Commissioners they have been pleased to establish a Committee of Revenue for the Inspection Controul and Regulation of all affairs that come within the Honble Company's Revenue Department of which Committee they have appointed you to be the President and Members.

'The inclosed Extract from the abovementioned Letter will inform you of the Extent of your Jurisdiction and of the particular subjects to which the Directors expect you will turn your attention and in which from your Care and assiduity they hope for Improvement and advantage.

'To effect these purposes the Honble the President and Council have sent orders to the Councils of Revenue at Muxadabad and Patna, to the Residents at Burdwan and Midnapore to the Collector of the Revenues of the Chittagong Districts and to the Collector of the 24 Purgunnahs

[1] See the Consultation Secret Department, Fort William, of 21st March, 1771.

to correspond with you in future on every matter relative to the revenue and to obey your Directions on that subject with as much precision and punctuality as if they were sent from the Board. The Custom Master has also received Orders to obey all your Commands on whatever relates to his Department. In consequence of this arrangement all applications that have hitherto been made by the above Councils, residencies and Custom Master to the Board will now be made to you so far as they relate to the Business of the Revenue. And you will issue your orders and transmit your opinions in answer thereto without waiting for the Directions or Determination of the Board. The Honble the President and Council having taken a resolution that for the present Your Committee shall be composed of all the Members of their Board that no time may be lost to the Prejudice of their Employers by referring Matters relative to the Revenue to their Consideration before their being finally carried into Execution.

'They have been pleased to honor me with the post of Clerk to your Committee and have directed that I deliver to you whatever papers you may be in want of from the Secretary's office.'

(*c*)

'To the Honble John Cartier Esqre
President & Members of the Comptrolling Committee
of Commerce.

'Honble Sir & Sirs

'The Honble the President and Council have given me orders to inform you that in pursuance of the Honble the Court of Directors Commands in their Letter to the Commissioners they have been pleased to establish a Committee of Commerce for the Inspection Controul and Regulation of all affairs that come within the Honble Company's Commercial Department, Of which Committee they have appointed you to be the President & Members.

'The enclosed Extract from the abovementioned Letter will inform you of the Extent of your Jurisdiction, and of the Particular Subjects to which the Directors expect you will turn your attention and in which from your Care and assiduity they hope for Improvement and advantage.

'To effect these purposes the Honble the President and Council have sent Orders to all the Subordinates and Residencies to correspond with you in future on every matter relative to the Investment, and to obey your Directions on that Subject with as much Precision and Punctuality as if they were sent from the Board. The Export and Import Warehouse Keepers have also received orders to obey all your Commands on whatever relates to their several Departments.

'The Aurungs will be also under your Direction and Management.

'In Consequence of this Arrangement all applications that have hitherto been made by the several Subordinates Residencies and Offices to the Board will now be made to you so far as they concern the Investment or Commerce in General.

'Such Cases as may fall under the Denomination of Current Business and may require Dispatch You will take into immediate Consideration and pass such orders upon as to you may appear necessary, but in points of more importance and wherein a Short Delay cannot be attended with inconvenience you are to report your Proceedings to the Board and wait there (their?) sanction before your Resolutions are carried into Execution for in general Your Opinions are not to be

conclusive, On the contrary it is evidently the Intention of the Court of Directors that all regulations shall pass ultimately from the Honble the President and Council.

'With respect to the Company's Investment to be annually provided the Board will inform you in due time to what amount they can extend it, and you will take proper measures accordingly for investing the sum they may be able to appropriate for this purpose in the manner most agreeable to the Honble Court of Directors' Instruction on that Head.

'Mr Herbert Harris is appointed to act as your clerk and whatever papers you may be in want of from the Secretary's office the Board have directed me to deliver you.'

(d)

'To the Honble John Cartier Esqre
President & Members of the Comptrolling Military Committee.

'Honble Sir & Sirs

'The Honble the President and Council have given me orders to inform you that in pursuance to the Honble the Court of Directors Commands in their Letter to the Commissioners they have been pleased to establish a Military Committee for the Inspection Controul and Regulation of all affairs that come within the Honble Company's Military Department, Of which Committee they have appointed you to be the President and Members always including the Commander in Chief of the Forces under the Presidency when he may be in Calcutta.

'The inclosed Extract from the abovementioned Letter will inform You of the Extent of your jurisdiction and of the particular subjects to which the Directors expect You will turn your attention and in which from your care and assiduity they hope for Improvement and Advantage.

'To effect these purposes the Honble the President and Council have issued Orders to the Military Storekeeper, The Military Paymaster General, The Paymasters of the Brigades, the Commissaries to the Army, the Commissary of Boats, The Paymasters to the new Works, the Storekeeper of the Works The naval Storekeeper and the Master Attendant to obey all your Commands in whatever relates to their several Departments. The Chief Engineer is also directed to make all his Reports and applications to you.

'The Commander in Chief of the Forces under the Presidency is also desired to correspond with you on the subjects mentioned in the Extract from the Directors Letter.

'In consequence of this arrangement all applications which have hitherto been made to the Board by the several offices under your direction will now be made to you; and by you to the Board as often as it may be found necessary so to do.

'Such cases as may fall under the Denomination of current Business and may require Dispatch You will take into immediate Consideration and pass such Orders upon as to you may appear necessary; but in Points of more importance and wherein a short Delay cannot be attended with Inconvenience, You are to report your proceedings to the Board and wait their Sanction before your Resolutions are carried into Execution; for in general your opinions are not to be conclusive On the contrary it is evidently the Intention of the Court of Directors that all Regulations shall pass ultimately from the Honble the President & Council.

'Mr Samuel Tonchet is appointed to act as your Clerk and whatever

papers you may be in want of from the Secretary's office the Board have desired me to deliver to you.'

(e)

'To the Honble John Cartier Esqre
President & Members of the Comptrolling Committee of Accounts

Honble Sir & Sirs,

'The Honble the President and Council have given me Orders to inform you that in pursuance to the Honble the Court of Directors' Commands in their Letter to the Commissioners they have been pleased to establish a Committee of Accounts for the Inspection Controal and regulation of all affairs that come with(in) the Honble Company's Department of accounts of which Committee they have appointed you to be the President and Members.

'The enclosed Extract from the abovementioned Letter will inform you of the extent of your jurisdiction and of the particular subjects to which the Directors expect you will turn your (attention ?) and in which from your Care and assiduity they hope for Improvement and Advantage.

'To effect these purposes the Honble the President and Council have sent orders to all the Subordinates & Residencies to correspond with you in future in every matter relative to accounts and to obey your orders on that subject with as much precision and Punctuality as if they were sent from the Board. Patna & Moorshedabad are likewise particularly informed to send you Information and to attend to your directions on every particular relative to the Gold and Silver Coinage. The Sub Accomptant the Buxey the Mint Master and Assay Master are also placed under your superintendence and have received orders to obey your Commands on whatever appertains to their several Departments.

'In consequence of this arrangement all applications and addresses that have hitherto been sent from the several Subordinates Residencies and Offices to the Board will now be made to you so far as they relate to accounts or to the Business of the Coinage and by you to the Board as often as it may be necessary so to do.

'Such Cases as may fall under the Denomination of Current Business and may require Dispatch you will take into immediate Consideration and pass such orders upon as to you may appear necessary but in points of more importance and wherein a short Delay cannot be attended with Inconvenience you are to report your Proceedings to the Board and wait their sanction before your Resolutions are carried into Execution for in general your opinions are not to be conclusive, on the contrary it is evidently the Intention of the Court of Directors that all Regulations shall pass ultimately from the Honble the President & Council.

'Mr Samuel Lewis is appointed your Clerk and whatever Papers you may be in want of from the Secretary's office the Board have directed me to deliver to you.'

'By these Regulations', the President and Council observed, 'the current Business which hitherto came before the Board (i.e., the

Council at Fort William) will be diverted into the Channels of the several Comptrolling Committees, some particular Cases excepted such as follows—

'All correspondence to & from Foreign nations are to be carried on by the Board. All appointments of Servants, Officers, Surgeons and Pilots are to be made by the Board. All applications for returning to Europe to the Board.

'And as it might occasion too great a delay by sending orders for surveying the Ships and Reports survey thro the Military Committee

'Resolved that these orders and Reports be sent immediately to and from the Master attendant.

'All advertisements and publications except those that have been usually made by the Committee of Works

'All Letters from the Mayor's Court or the Courts of Appeals

'All complaints or Representations from the Officers thro' the Channel of the Commander in Chief.

'The President to deliver as usual his Cash account to the Board.

'All salaries and allowances to be fixed by the Board

'All advances from and payments to the Treasury to be by orders of the Board.

'All Indents from other Presidencies and from the Subordinates to receive the sanction of the Board before they are complied with.'

* * *

'Resolved that all Matters now under our Consideration be severally referred to those Committees whose cognizance they come under.'

APPENDIX 12

FREE MERCHANTS AND FREE MARINERS

'The indentures or covenants into which it has been usual for those to enter who go out under the denomination of FREE MERCHANTS, are in substance as follows. **Free Merchants.**

'That A. B. having upon his own special request obtained permission of the Court of Directors of the said United Company, to go to there to dwell and inhabit, together with free liberty to use and exercise any trade and commerce in the way of a merchant, or otherwise, in any commodities whatsoever, to and from any ports and places in the said East Indies, or elsewhere, within the limits of the Company's charter, from the Cape of Good Hope to the Streights of Magellan, but not to or from any place without the said limits; it is covenanted and agreed between the said A. B. and the said Company, that he the said A. B. as also his wife, if he shall have any, together with such children and servants as have the liberty of the said Company for that purpose, shall, during the time of their respective abodes in the East Indies, reside and dwell at as inhabitants thereof; and *shall not remove to or reside in any other place or part of the East Indies, save at And that he A. B. if he shall so long live, shall and will reside and be at one or other of the said places for the term of*[1] *years, before his return to Great Britain, unless he shall obtain liberty to return sooner, by writing from the*

[1] "Generally, the time stipulated is five years."

Court of Directors . . . . and that he will not receive any consignments from Great Britain, except only for diamonds and diamond-boart, or such other commodities as shall be licensed by the Company, he A. B. paying to the Company's Governor one per cent. upon the value of such consignments. *And also, that neither he A. B. nor his wife, children, or servants, by his privity, shall, directly nor indirectly, write, or cause to be written over to Europe, any thing or matter relating to the Company's trade in India or Europe, except to the Court of Directors*; nor be concerned in any trade or merchandize from Europe to India, or from India to Europe, other than such as be licensed by the said Company. And also, that he A. B. will give a faithful account of his trade from port to port to the Company's Governor and Council, at the place where he shall reside, in order for the same to be entered in a registry at the factory. And that he will pay all such duties and customs as shall be appointed by the Company, or their representatives, at the ports or places where such trade shall be carried on ; and will be subject to such other regulations as they shall think reasonable, for the better government of their trade in, to, and from the East Indies. *And A. B. further agrees, that whenever the Company, or their Court of Directors, shall apprehend his residence or trade, within the limits aforesaid, to be inconvenient to them, and shall thereupon order him to remove to Great Britain, he the said A. B. shall and* will, within *one year* after notice, *transport himself, family, and effects to Great Britain*, in the ships employed by the said Company, and no other : which effects shall be returned in diamonds, or diamond-boart, or such other commodities as shall from time to time be licensed, or allowed by the Company, or else in bills of exchange drawn on the said Court of Directors, *and not otherwise. And the said Company do covenant, promise, and agree to and with the said A.B. that upon his observing and performing the covenants and agreements, in the said indenture expressed, faithfully and truly, he the said A.B.* SHALL ENJOY THE COMPANY'S PROTECTION WITHIN THE LIMITS OF THEIR CHARTER. And the said A. B. further engages, that he will not trade, correspond, or deal with any person or persons who do or shall trade within those limits by or under, or by virtue of, any foreign commission, licence, or authority whatsoever ; nor with any person or persons with whom he shall be forbid to trade ; nor will be aiding, abetting, or assisting towards the carrying on of any illegal, unlicensed, or clandestine trade whatever, nor wittingly suffer any damage or interruption to be done or given to the affairs or commerce of the said Company ; but will do all in his power to make discovery of, and to prevent, the same. And in case the said A. B. shall fail in the performance of these covenants, then by the first opportunity offering, after orders received for that purpose, he the said A B. shall transport himself, family, and effects to Great Britain, in manner as above-mentioned. And in order to a discovery of, and satisfaction for, any illicit trade, it is agreed . . . . . . that it shall be lawful for the Company to file a bill in the court of Chancery or Exchequer, the Company agreeing, in consequence of any disclosure or discovery arising from the said A.B.'s answer to such bill, to be satisfied with fifty pounds for every hundred pounds value of the goods so traded for, together with the produce of such illicit trade.'[1]

[1] Quoted from Bolts, *Considerations on India Affairs*, 1772, pp. 115-117.

'FREE MARINERS, who have been considered as a class of less consequence, have usually been permitted to go out upon only giving security not to become chargeable to the Company. As the bond usually given is but short, and will best explain the nature of their engagements, we here subjoin it at length; viz.

Free Mariners.

'KNOW ALL MEN by these presents, that we A. B. C. D. and E. F. are jointly and severally held and firmly bound unto the United Company of Merchants of England trading to the East Indies in the sum of FIVE HUNDRED POUNDS of lawful money of Great Britain, to be paid unto the said United Company, or their certain attorney, successors, or assigns; to which payment well and truly to be made, we and each of us jointly and severally bind and oblige ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of the reign of our Sovereign Lord by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; and in the year of our Lord one thousand seven hundred and

'WHEREAS the Court of Directors of the above-named United Company of Merchants of England trading to the East Indies have, at the special request and desire of C. D. and E. F granted leave to the said A. B. to reside in the East Indies, under the protection of the said United Company, he the said A. B. giving security to indemnify the said United Company, and the Governors and Councils of their settlements and factories in the East Indies, from and against all charges and disbursements whatsoever, which the said United Company, or their said Governors and Councils, shall or may sustain, or be put unto, for the support or maintenance of the said A. B.

'AND WHEREAS the above bounden C. D. and E. F. at the request of the said A. B. agreed to become bound for the purpose aforesaid in manner herein after-mentioned (*sic*).

'NOW THE CONDITION of this obligation is such, that if the said A. B. C. D. and E. F. or either of them, their or either of their heirs, executors, or administrators, do and shall from time to time, and at all times hereafter, well and sufficiently defend, save harmless, and keep indemnified, the said United Company of Merchants trading to the East Indies, and their successors, and the Governors and Councils of their several settlements and factories in the East Indies, from and against all charges and disbursements whatsoever, which they the said United Company, or their successors, or their said Governors and Councils, or any of them, shall or may suffer, sustain, or be any ways put unto, for the support or maintenance of the said A. B. during his continuance in the East Indies aforesaid, then this obligation to be void. But when and so often as default shall be made in the premises, to be and remain in full force and virtue.

'Sealed and delivered (being first duly stamped) in the presence of '[1]

[1] Quoted from Bolts, *op. cit.*, pp. 117-18.

APPENDIX 13

'THE ROYAL PHIRMAUND GRANTED BY HIS MAJESTY FUZZUKSEER (FURRUCKHSEER), UNDER THE SEAL, AND THE VIZIER'S SIAD ABIDULLA CAWN[1] (*sic*)

'To all Governors, Officers, Jaggeerdars, Phousdars, Chohedars, (Chobedars?) Chokeys, Hororeys, Jemidars, and all who bear Posts under the King at present, or shall hereafter, in the Subahs of *Bengal*, and *Orassa*, Hughly, and elsewhere within these Limits, being in Hopes of the Royal Favour; Know, for in this joyful Time, when all is prosperous, and Victories daily happen, that Mr John Serman and Coja Seerhaud, Gomastahs, for the honourable *East India* Company, have petitioned to my high Throne of Justice, that agreeable to *Shaw Jahans* (whom God has taken to himself, and given a Place in Heaven) *Nushan* and the former Sunnods, the English Company may carry on their Commerce, throughout the whole Country, exempt from Duties (except *Surat*) in Lieu of which, Three thousand Rupees is annually paid, a Pishcash into the Treasury at Hughly; therefore we are in Hopes, according to these former Sunnods, we shall be favoured and granted a Phurmaund.

'I now direct and command, that whatever Goods or other Things the Company's Gomastahs may (throughout my Dominions) either bring or carry away, by Land or by Water, have free Egress and Regress, exempt from any Duties; and in the same Manner they may buy or sell at their own Liberty; in which Consideration, the Three thousand Rupees is to be annually paid a Pishcash and no more; and further command, That, if in any Place, any of the Company's Goods should be stole, (*sic*) you are to make strict Search after them, that they be restored, and the Thieves taken and brought to justice, and at whatever Place the Company have where they buy and sell, in what is right, you are to assist them and not let them be abused; as also, from any Merchant, Weaver, or others, a just Ballance is due, you are, agreeable to Justice, to see paid, so that no Injustice is done to any of the Company's Gomastahs, and on any Boat, either their own or hired, there is to be no Customs demanded on them.

'And it is petitioned, That the Subahs petty Duans demand the Sight of the original Sunnod, as also One under the Nabob's Seal, and another under his Duan's Seal: The carrying the original one Way where is troublesome; therefore, are in Hopes that a Copy under the Cazee's Seal shall be regarded, and the Original one not insisted on, and likewise no Occasion to shew the Nabob's and Duan's at all: Calcutta, which is the Company's Factory, it is requested, That Soota Loota and Gobinpore, (in the Country of Ameerabad, in the Province of Bengal) which Places the Company formerly bought of Jemmedar, the Revenues of 1195–6 are annually paid, and furthermore Thirty-eight Towns, whose annual Revenues are 8121–8 Rupees, which lie

[1] See the First Report from the Committee appointed (by the House of Commons) to enquire into the Nature, State, and Condition of the East India Company, and of the British Affairs in the East Indies, dated 26th May, 1772, Appendix No. 2.

near Calcutta, we humbly beg you will grant us the Zemindary of, the above Rents shall be duly paid.

'His Royal Pleasure, which is always Hand in Hand with Justice, commands, That a copy of the original Sunnod, under the high Prestat Delly's Seal shall be regarded: The Towns bought formerly I acquiesce to the Thirty Towns, I give you the Zemindarry of likewise, but you must buy them and satisfy the Owner, the Duan Suba will not impede you.

... ...

... ...

... ...

'It is further petitioned, that the Company, having Factories in *Bengal*, *Orassa*, and willing to make some in other Places, are in Hopes, that in whatever other Places we think convenient, that Forty Begahs of Land will be granted for that use; likewise, as Sometimes our Ships, by Storms and hard Weather, are drove ashore and stranded, the Government in those Places by Force seize and plunder the Goods, and in other Places a Quarter is demanded; and further petition the Island of Bombay, a Company's Settlement, where the Portugueze Coin is current, if approved and an Order given, we will coin Sicca Rupees there as we do at Cherapatam.

'It is commanded, as Land was before given to make Factories, that it shall be now given to make them in other Places; and as the English are People that have made Dwellings in my Country, and trade in my Cities where I am, and have formerly received Sunnods to free them from all Duties and Customs; therefore you must, in Case of any of their Ships being cast away, or by Mistake go to your Port, protect them, and take care of their Goods; and likewise that Sicca Rupees be coined at Bombay, and pass current as Siccas do.

'Agreeable to all that I have ordered, commanded, and wrote in this Phurmaund, must be punctually complied with and not deviated from, nor demand a new Sunnod every Year, but regard this.

Dated the 27th of Mohurrum
5 Son of Year of his Reign.

(Then follow Copies of several 'Phirmauns', 'Husbullhookums,' etc. dated 1717).

'No. 9. Copy of a Husbullhookum, under the Seal of the (Cootbullmoolk) Prime Minister; the Lord High Treasurer Syad Abidulla Cawn; the valiant, the victorious in Battle, General of the Horse, Friend full of Truth; as followeth:

'May the honourable Hyder Cooli Caun be always in Safety.

'At this Instant Mr. John Surman, Coja Surhaud, and Mr Stevenson, for, and in Behalf of the English Company, have, through Intercessions of the High Ministers, presented their Petition to his Imperial Majesty; setting forth, that the Company are custom free throughout the whole Empire, excepting at the Port of *Surat*, and at the said Port, in the Reign of Sha Jahaun, they paid 2 per cent Custom; in the Time of Aurengzeb 3½ per cent; and in the Reign of Sha Alam 2½ per Cent was and is at present paid, upon Account of Abuses and Injustice of the Mutsuddys there; they have been for these Three years forced to withdraw their Factory from that Place; they hope, according to Custom of other Provinces, and at the Port of Hugely, they may at the Port of Surat pay a yearly Pishcash of Ten thousand Rupees, in Lieu of Custom. It is accordingly commanded, and they have obtained a gracious Phirmaun, for which Reason this Husbullhookum is issued out; that you do, conformably to the great Command,

receive Pishcash of Ten thousand Rupees annually, instead of Custom, at the Port of Surat; and that they be Custom free, and called upon for no other Account whatsoever. Regard this well.—Written the 9th of the Moon Zeelhedge, the 5 Year of his Majesty's Reign.

'No. 13. Copy of a Husbullhookum under the Seal of the Cootbullmoolk Prime Minister; the Lord High Treasurer Syad Abidullah Caun; the valiant, the victorious in Battle, General of the Horse, Friend full of Truth, as followeth :—

'To all Mutsuddys in Government, that at present are, or hereafter may come in the Province of Bengal, at the Port of Hugely, in the Provinces of Behar and Oudeisa; Know Yee, that at this Time Mr. John Surman, Coja Surhaud, and Mr Stevenson, for, and in Behalf of the English Company, have, through Intercessions of the High Ministers, presented their Petition to his Imperial Majesty; Setting forth, That throughout the whole Empire the Company are Custom free, excepting at the Port of Surat; and that according to Sultan Azzeim Sha Behauder, his and former Sunnods, they pay a Pishcash of Rs. 3000 yearly, in Lieu of Custom at the Port of Hugely: They hope, from the Imperial Favour, to obtain a gracious Sunnod according to the Tenor of former Sunnods. It is accordingly ordered, and they have obtained a gracious Phirmaun; for which Reason this Husbullhookum is issued out; that you do know, pursuant to the great Command, this Nation is free from all Custom, and that you do let them go on in their mercantile Affairs without Molestation, and receive a Pishcash of Rs. 3000 annually at Hugely, in Lieu of Custom. Regard this well.—Written the 9th of the Moon *Zeelhedge*, the 5th Year of his Majesty's Reign'.

APPENDIX 14

THE PLAN OF THE SOCIETY OF TRADE FRAMED ON 10TH AUGUST, 1765 (*i.e., the First Plan*)[1]

'Fort William, the 10th August 1765.
'At a Select Committee present
William Brightwell Sumner Esq President.

Harry Verelst Esquire

'In Conformity to the honourable Company's Orders, contained in their Letter of the 1st of June 1764, the Committee now proceed to take under their Consideration the subject of the Inland Trade, in the Articles of Salt, Beetle Nut, and Tobacco, the same having been frequently discoursed of at former Meetings, and Mr. Sumner having lately collected the Opinions of the absent Members at large on every Circumstance; It is now Agreed and Resolved, that the following Plan for conducting this Trade shall be carried into Execution; the Committee esteeming the same the most correspondent to the Company's Orders, and conducive to the Ends which they have in View, when

[1] See the Proceedings, Select Committee, Fort William, of 10th August, 1765; also the Commons' Report, Fourth, dated 21st April, 1773, Appendix 33; also Bolts, *Considerations on India Affairs*, 1772, Chapter XIII, pp. 166–69.

they require that the Trade shall be put upon such a Footing as may appear most equitable for the Benefit of their Servants, least liable to produce Disputes with the Country Government, and wherein their own Interest, and that of the Nabob, shall at the same Time be properly attended to and considered.

'First, That the whole Trade shall be Carried on by an exclusive Company formed for that Purpose, and consisting of all those who may be deemed justly entitled to a share; that a proper Fund shall be raised, by a Loan at Interest, for the supply and support of the same, and that it shall commence in the Month of September ensuing, or as soon after as may be found most convenient.

'Secondly, That the Salt, Beetle Nut, and Tobacco, produced in, or imported into Bengal, shall be purchased by this established Company; and public Advertisement shall be issued, strictly prohibiting all other Persons whatever [1], who are dependent on our Government, to deal in those Articles.

'Thirdly, That Application shall be made to the Nabob, to issue the like Prohibition to all his officers and Subjects of the Districts, where any Quantity of either of those Articles is manufactured or produced.

'Fourthly, That the Salt shall be purchased by Contract, on the most reasonable Terms, giving the Preference to the Factories of Dacca, Chittagong, Burdwan, and Midnapoor, for the Produce of their respective Districts; to the Phousdar of Hughley, and the other Zemindars, for the Produce of Ingellee, Tumlook, Mysidole, etc.; and to such Persons as may offer the most reasonable Proposals, for the Quantity produced in the Calcutta Lands.

'Fifthly; That the Beetle Nut and Tobacoo shall, in like Manner, be purchased by Contract, under such Terms and Conditions, as, upon proper Enquiry, shall appear to the Managers to be most conformable to the Interest of the concerned.

'Sixthly, That the Contractors for the Salt shall agree to deliver it at certain fixed Places, at a stipulated Rate per $\frac{a}{o}$[2] Maunds, comprehending such an Advance upon their Contracts with the Zemindars and Molungees [3], as may be esteemed an Equivalent to their Risk, Trouble, and bad Debts.

'Seventhly, That as the Advances will be made by the Contractors to the Zemindars, etc., at certain Periods of the Season, in the usual Manner, so shall the Advance from the public Company to the contractors be made in Proportion thereto.

'Eighthly, That the Salt, Beetle Nut, and Tobacco, thus purchased by the public Company, shall be transported to a certain Number of Places for Sale, to be there, and there only, disposed of by their Agents; and that the Country Merchants may then become the Purchasers, and again transport the Articles whither they think they have the greatest Prospect of Profit.

'That by this Means, not only the frequent Oppressions the Inhabitants of the Country have suffered, by Europeans having Permission to traverse to every Place for the sale of those Commodities, will be put a Stop to, but by thus reserving to the Natives and Merchants a competent Share of the Profits, both in the Purchase and Sale, we may

1 "Whatsoever", in one copy.
2 "One hundred", in one copy.
3 "The poor labouring people at the salt-pans."

hope for the good Effect of removing the general odium that has prevailed, from our seeking to deprive them of every Part of that Trade.

'Ninthly, That as it is apprehended some Difficulty will arise in securing the Produce of the Dacca and Chittagong Districts, by Reason of the Property of the Lands being scattered in a Number of Hands, all dependant[1] on the Government; it is Agreed, That Application shall be made to the Nabob for Perwaunas on the several Zemindars of those Districts, as well as those of Houghley, Etc. strictly ordering and requiring them to contract for all the Salt that can be made on their Lands with the *English* alone, and forbidding the Sale to any other Person or Persons whatsoever.

'Tenthly, That the Honourable Company shall either share in this Trade as Proprietors, or receive an annual Duty upon it, as may appear to be most for their Interest, when considered with their other Engagements and Demands at this Presidency.

'Eleventhly, That the Nabob shall in like Manner be considered, as may be judged most proper, either as a Proprietor, or by an annual Nuzzerana, to be computed upon inspecting a statement of his Duties on Salt in former Years.

'Twelfthly, That the Manner in which the honourable Company and the Nabob shall be considered being once determined, the Remainder of this Trade shall be divided amongst the Company's Servants, arranged under certain classes, and each class to share a certain Proportion of the Capital Stock.

'Thirteenthly, That a Committee of Trade shall be appointed to receive the Management of this Plan, and prosecute the same in all its branches; and that they shall be immediately authorized to take Measures for raising the Fund at Interest, and to receive Proposals and settle the Contracts; and further, that for their Assistance in this Work, a Person shall be appointed in the Quality of their Secretary and Accomptant: The foregoing Regulations, the Select Committee judge, will be found a sufficient Ground Work for commencing this Trade, to be improved hereafter as circumstances may occur and direct; and it is therefore Agreed, That they be delivered over to the Committee of Trade, as soon as they are appointed, with Instructions to proceed in raising the Money and making the Contracts.

'The Points contained in the 10th, 11th, and 12th Regulations, as their not being adjusted need be no impediment to the Prosecution of the Business, so the Committee esteem them of so much Importance, that the Settlement of them should be delayed until the absent Members return to Calcutta, and they can be deliberated on at a full Committee :—Agreed therefore, That the Committee of Trade be also advised of this Resolution; and that they shall be hereafter informed of the Distribution which may be settled, with any other Regulations which may occur relative thereto, for their Government.

'Mr Sumner acquaints the Committee, that, being apprised of the Intention contained in the Third and Ninth Regulations, he desired Mr. Sykes, when he lately went up to Muxadabad, to apply to the Nabob for the necessary Purwannas for authorizing and facilitating this Trade, and that he has accordingly received from that Gentleman, Perwannas to this Purpose, being 106 in Number; the same he now presents to the Committee, together with several papers of Information which he has collected, regarding the Produce of the different Districts, and the Conditions that Salt can be contracted for.

[1] "dependent," in one copy.

'Ordered, That they be delivered over to the Committee of Trade for their Guidance.

'Taking now into Consideration the appointment of this Committee of Trade, the Select Committee are of opinion, that it should be composed of Two Members of their Body, and Two Gentlemen of the Council.

'Agreed therefore, That we recommend to the Council to appoint Two of their Members to be joined with Two of the Committee, to constitute this Board, and receive charge of the Plan; and at the same Time to appoint a proper Person to the office of Secretary and Accomptant.'

* * *

APPENDIX 15

THE SECOND PLAN OF THE SOCIETY OF TRADE.[1]

'Fort William 3 Sept. 1766.
'At a Select Committee
Present
The Right Honble Lord Clive, President
Brigadier-General Carnac
Harry Verelst Esqre.

'The Right Honourable the President lays before the Committee the following minute.

'Gentlemen,

'Some time before my departure from England the Court of Directors debated upon the propriety of suffering the servants in Bengal to trade in the articles of salt-beetle (nut?) and tobacco and it could not be expected they would continue to them the Enjoyment of those profitable branches unless means were devised by which the Natives would no longer be oppressed and by which the nabob and the company would largely partake of the advantages. Upon a firm persuasion that such means would be devised they were pleased to defer their final determination of this matter till the sentiments of the Select Committee should be transmitted to them. By all their letters of last year and by several of this they still seemed inclined to wait for our representations—but by their letters of the 19th of February last per Lord Camden they positively forbid their servants having any concern whatsoever in this trade . . At that time indeed they could not have had the least idea of the favourable change in the affairs of these provinces whereby the interest of the nabob with regard to salt is no longer immediately concerned.

'When we first took this important matter into consideration—I joined in opinion with the rest of the Committee, that if the trade could be put upon such a footing that the nabob should receive more than had been received by any of his predecessors, the Company be amply considered and the natives become purchasers upon terms

[1] See the Proceedings of the meeting of the Select Committee held at Fort William on 3rd September, 1766; also Bolts, *Considerations on India Affairs*, 1772, pp. 181–84; also Verelst, *A View of the English Government in Bengal*, 1772, Appendix 145.

full as reasonable as in former times, the servants might be indulged in the privilege under certain rules and restrictions as would make the trade carry with it as little as possible the odious form of a monopoly. These points having been settled I consented to the plan laid down last year. By absence from the presidency and the multiplicity of affairs then in agitation wherein the peace and tranquillity of the provinces—the interest of the Company and the honour of the nation were more immediately concerned prevented my paying that attention I could have wished to this important object.

'Although by the acquisition of the Dewannee the whole of the duties belong to the Company and by the diligence and Zeal of the members of the Committee of trade many useful reformations had taken place yet from my observations when I was last up the country and from the heavy complaints against Europeans of the monopoly of trade in general—I find that the industrious native is still deprived of that share to which he has an undoubted and a more natural right; nor is it yet upon that equitable footing which justice and humanity would—I am sure—incline this Committee to Establish.

'A few weeks more must bring us the final resolutions of the Court of Directors in answer to our dispatch by the Admiral Stevens and if notwithstanding the present situation of their affairs they should think proper to repeat their order per Lord Camden it will be our duty to obey them and I am persuaded they will be obeyed by this Committee. But if on the contrary upon receipt of our representation they should change their sentiments and approve of the regulations we have already made no time should be lost on our part in Establishing the mode for carrying on the trade in future. The confidence which the Court of Directors have been pleased particularly to express in my Endeavour to settle upon a Equitable plan that trade which has been the source of as many evils cannot but promote my zeal for the cause and make me anxiously wish to see every regulation that you may join with me in thinking necessary, take place.

'The Company's duties I beg leave to propose shall be increased, the servants still receive a reasonable share of Emolument and the terms upon which the natives are finally to be concerned advantageously fixed . . I propose

First.

'That all salt provided by the Society of Trade shall be sold at Calcutta and at the other places where it is made and nowhere Else.

Secondly.

'That the price of salt shall not exceed two rupees per maund or two hundred rupees per one hundred maund.

Thirdly.

'That the salt shall be sold to the natives only who are to transport it to every part of Bengal—Bahar and Orissa and to have the whole profits arising from the sale thereof and that no Company's servant, Free merchant or European shall be concerned in that article directly or indirectly after the sale of it at the above places.

Fourthly.

'That the Calcutta Black merchants shall be limited to a certain proportion of purchase but that no Banian or Servant whatever belonging to any European shall be included or have any concern therein.

Fifthly.

'That every endeavour be made use of to encourage the substantial merchants of the Country either to come down in person to the place where the salt is provided or to send their agents to purchase and transport the salt to the different places of sale.

Sixthly.

'That a certain price be fixed for the sale of every maund of salt at every town, market or village whence it is sold according to distance & former custom.

Seventhly.

'That if salt be sold at any of the Bazars or markets for one Cowrie above the stipulated price—the vendor shall not only forfeit all the salt then found in his possession but be liable to a forfeit of one thousand rupees for every one hundred maunds of salt so sold, and the salt and money so forfeited shall go—one half to the informer and one half to the government.

Eighthly.

'That the ministers at Muxadabad and Patna have copies sent them of these new regulations and that they be desired to apply to the nabob to make the same known throughout the three provinces and that Every Phousdar etc. see that they be put in Execution upon pain of being dismissed from his Employment.

Ninthly.

'This business being entirely commercial I propose that in the instalment of agreement for next year it shall be provided that the Society of Trade be answerable to the Board for their conduct. That the Board may either make new regulations or amend those made by the society of trade as they see fit and that in case of necessity the Select Committee shall have power to control the conduct of the whole.

Tenthly.

'That a duty of fifty per cent be paid to the Company upon all the salt provided in their own lands and fifty per cent upon all the salt provided in the lands of the Government, and fifteen per cent upon Beetle (?) which duties in fact will be brought to the Company's credit, which according to the present state of the salt trade will produce to the Company from twelve to thirteen lacs of rupees per annum.

'The prohibition of a free inland trade however disagreeable to individuals must now take place and be confined to imports and exports and to their immediate returns which returns shall be made only to the presidency or to one other of the Established factories. The Company are sovereigns in India and they have declared that the trade carried on for these four years past is an usurpation not only of their prerogative but of the privileges of the natives and repugnant to the express and repeated orders of the Court of Directors. The indulgence however in the trade of salt—upon the footing it will—I hope—now be established—should in my opinion obviate all complaints since it seems to be the most Equitable modus between the Company and their servants and at the same time a distribution of natural right to the people of the Country. Considering the late great advantages of unlimited inland trade are cut off—I cannot imagine that the Court of Directors will deny their servants this share of benefit as a recompence for their attention and assistance in the management of the important

concerns of these provinces. On the other hand I would have the servants look upon these Emoluments as a gift from the hand of their Employers—offered them annually in reward of their fidelity and which will certainly be withheld from them if even their authority should be resisted and discontent and rapacity take place of gratitude and moderation.

(Signed) Clive.

'His Lordship's minute having been read & maturely considered the regulations there specified are unanimously approved.

'Agreed therefore that the presidents regulations for the inland Trade be laid before the Conncil with all convenient dispatch for their approbation in order that the necessary instructions for prosecuting the joint concern for the ensuing season may be immediately issued to the Committee of Trade.

'Resolved that the above concern shall consist of sixty shares and that the proprietors shall stand Enrolled with the several proportions affixed to their names in the manner ascertained in the following statement. . . .'

* * *

APPENDIX 16

THE COMMITTEE OF CIRCUIT'S PLAN FOR THE ADMINISTRATION OF JUSTICE IN BENGAL, DATED 15TH AUGUST, 1772[1].

'Cossimbuzar 15th August 1772 :—
At a Committee Present
The Honble Warren Hastings Esqr President
Samuel Middleton
Philip Milner Dacres
James Lawrell and
John Graham . . . . } Esqrs

'The Plan which was proposed in Our Proceedings[2] of the 25th Ultimo for the Establishment of Courts of Justice having undergone a strict & ciritical Examination, and received such Alterations as the

[1] See the Proceedings of the meeting of the Committee of Circuit, held at Cossimbazar on 15th August, 1772; also the Proceedings of the meeting of the Council in its Secret Department, held at Fort William on 21st August, 1772; also Forrest, *Selections from the State Papers of the Governors-General of India, Vol. II, Warren Hastings*, Appendix B.

[2] Reference here is to the following Proceedings of the meeting of the Committee of Circuit, held at Cossimbazar on 25th July, 1772:
'Cossimbuzar 25th July 1722—
At a Consultation Present
The Honble Warren Hastings Esqr President
Samuel Middleton
Philip Milner Dacres
James Lawrell, and
John Graham } Esqrs.

. . . .

late Resolution of the Board for the Removal of the Seat of the Collections hath rendered necessary is now read & approved.

'AGREED that it be entered on this Day's Proceedings, and that a Copy of it be transmitted to the Council at Fort William.

'A Plan for the Administration of Justice.

'1st That in each District shall be established two Courts of Judicature; one by the Name of Mofussul Dewannee Audawlet, or provincial Court of Dewanne, for the Cogniz (. . .)[1] of Civil Causes; the other by the Name Phoujdarr e Audawlet, or Court of Phoujdarree, for the Trial of all Crimes and Misdemeanors.

'2nd That for the better ascertaining the Jurisdiction of each Court, and to prevent Confusion & a Perversion of Justice, the Matters cognizable by each respectively are declared to be as follows.—

'All disputes concerning Property whether real or personal, all Causes of Inheritance, Marriage and Cast (*sic*) all claims of debt, disputed Accounts, Contracts, Partnerships & demands of Rent, Shall be judged by the Dewannee Audawlet.

'But from this distribution is excepted the Right of Succession to Zemindarrees & Talookdarrees, which shall be left to the decision of the President and Council.

'All Trials of Murder, Robbery, and Theft, and all other Felonies, Forgery, Perjury and all sorts of Frauds and Misdemeanors, Assaults, Frays, Quarrels, Adultery, and every other Breach of the Peace or Violent Invasion of property, shall be submitted to the Phoujdarree Audawlet'.

'3d That in the Provincial Court of dewannee the Collector of each district shall (...)[2] side on the part of the Company in their Quality of Kings Dewan attended by the provincial Dewan appointed by the President and Council, and the other Officers of the Cutcherry; that the Court shall be regularly held on every Monday and Thursday, and oftner if Necessity require, and that no Causes shall be heard or determined but in the Open Court regularly Assembled.—

'4th That in the Phoujdarree Audawlet the Cauzee and Muftee of the district, and two Moulavies shall sit to expound the Law, & determine how far the delinquents shall be guilty of a Breach thereof, but that the Collector shall also make it his Business to attend to the proceedings of his Court so far as to see that all necessary Evidences are summon'd and examined, that due Weight is allowed to their Testimony, and that the decission (*sic*) passed is fair and impartial according to the proofs exhibited in the Course of the Trial, and that no Causes shall be heard or determined but in the Open Court regularly Assembled.—

'5th That in like Manner two Superior Courts of Justice shall be established at the Chief Seat of Government the one under the Denomination of the Dewannee Sudder Audawlut and the other the Nizamut Sudder Audawlut.

'6th That the Dewannee Sudder Audawlut (..............[3]) determine Appeals from the provincial Dewannee Audawlu (t;) that the President with two Members of the Council shall preside therein, attended

'The Committee having f(. . . . .) med* a Plan for regulating the administration of Justice which was now delivered in and Read.

Agreed that it lie for Consideration.'

(* Obviously, this word is either *framed* or *formed*.)

[1] Obviously, Cognizance. [2] 'Pre'.

[3] 'Shall receive and'.

by the Dewan of the Khalsa, the head Canongoe and other Officers of the Cutcherry; in case of the Absence of the President a Third Member of the Council to Sit, that is to say no less than three Members to decide on an Appeal; but the whole Council May sit if they choose it.

'7th That a Chief Officer of Justice appointed on the part of the Nazim, shall preside in the Nizamut Audawlut, by the Title of Doroga-Audawlut, assisted by the Chief Cauzee, the Chief Muftee & three Capable Mowlavies; that their duty shall be to revise all the proceedings of the Phou (...[1]) darry Adawlut, and in Capital Cases by Signifying the (...[2]) Approbation or disapprobation thereof with their Reasons at large, to prepare the Sentence for the Warrant of the Nazim, which shall be returned into the Moffussil & then carried into execution: that with Respect to the proceedings in this Court a Similar Controul shall be lodged with (...[3]) Chief and Council as is vested in the Collectors in the di (......[4]) so that the Company's Administration in Ch (.........[5]) of Kings Dewan, may be Satisfied, that the Decrees of Justice on which both the Welfare and Safety of the Country so materially depend, are not injured or perverted by the Effects of partiality or Corruption.—

'8th That in order to preserve the Dignity and Importance of the Two superior Courts, there shall be Two Courts of adawlet established at the Seat of the Government, exactly on the Same plan as those of the Districts. In that of the Dewannee a Member of the Council shall preside, & in that of the Fowjdarree another Member of the Council shall exercise the Controul specified in the 4th Regulation. These duties (...[6]) performed by the Members in Rotation.

'9th That as nothing is more conducive to the prosperity of any Country than a free and easy Access to Justice and Redress, the Collectors shall at all Times be ready to receive the Petitions of the Injured, and further to prevent their being debarr'd this Access from Motives of Interest partiality or Resentment in the Officers or Servants of the Cutcherry, that a Box shall be placed at the door of the Cutcherry in which the Complainants may lodge their Petitions at any Time or Hour they please: That the Collector shall himself keep the Key of this Box, and each Court day have such Arzies as he may find in it, read immediately in his Presence by the Arizbeggy of the Cutcherry.

'10th That in Summoning from the Farmed Lands persons complained against, or Evidences called on by the parties the Rule laid down in the 9th Article of the public Regulations is to be strictly adhered to. The Collector ought further to avoid as studiously as possible summoning any Persons from the Moffussil who are any way connected with the Revenue during the Months of Bhadoon and Assin, and Aughun and Poos, unless in Cases which call for immediate enquiry and Example.

'11th That in Order to facilitate the Course of Justice in trivial Causes, and relieve the Ryot from the Heavy Grievance of travelling to a great distance to seek for Redress All disputes of property not exceeding 10. Rupees shall be decided by the head Farmer of the Purgunnah to which the Parties belong, and his Decree shall be final.—

[1] 'j'. [2] 'ir'. [3] 'the'. [4] 'stricts'. [5] 'aracter' [6] 'to be'.

'12th That the process observed for trying Causes in the provincial Dewannee Adawlet shall be as follows
First to file and read the Petition of the Complainant, Secondly to allot a limited Time for the defendant to give Answer which when received shall also be filed and read, Thirdly to hear the Parties Viva Voce, and if necessary examine Evidences, and lastly to pass Decree. That if in adhering to this order of Process the defendant shall evade or delay giving Answer within the limited Time, Judgement shall pass against him.—

'13th That complete Records shall be kept in the Moffussil Dewannee Audawlut in which shall be inserted the Petition of the Complainant the Answer of the defendant the subsequent process & examination of Evidence, and finally the D(......[1]) that upon Decree being passed both parties shall be (...........[2]) a Copy thereof free of Expence, and that each Cop (..............[3]) Authenticated under the Publick Seal and the signing of the Collector. That a Copy of the Records entire shall also be transmitted twice a Month to the Sudder dewannee Adawlut thro' the Channel of the President and Council.—

'14th That each Collector shall also keep an Abstract Register of his Audawlut in English containing the Names of the Plaintiff and defendant, the Substance of the Suit, the Substance of the Decree, the date of the Cause being filed and the date of the Decree being passed; and this Abstract also shall be transmitted twice a Month to the Sudder Dewannee Adawlut.

'15th That as the Litigiousness and perseverance of the Natives of this Country in their Suits and Complaints is often productive not only of Inconvenience and Vexation to their adversaries, but also of endless Expence and Actual Oppression, (...........[4]) to be observed as a standing Rule that Complaints of so old a Date as 12 Years shall not be Actionable. And further should they be found guilty as is often the case, from the Principles Abovementioned, of flying from the One Court to the other, in order to pervert and protract the Course of Justice, the Party so Transgressing shall be considered as nonsuited, and shall according to his Degree in Life and the Notoriety of the Offence be liable to Fine or Punishment.—

> 'By the Mahometan Law all Claims which have lain dormant for 12. Years, whether for Land or money, are invalid.—This also is the Law of the Hindoos, and the legal practice of the Country.—

'16th That the Custom of levying Chowt, Dussuttra, Puchuttra, or any other Fee or Commission on the Amount of Money recovered, or Etlâk on the decision of Causes as well as all heavy Arbitrary Fines is absolutely and for ever Abolished.

'17th That as however Cases may Occur in which it will be highly Necessary for the Welfare of the Community to curb and restrain trivial and groundless Complaints & to deter Chicane and Intrigue, which passions Amongst these People often work to the undoing of their Neighbours a Discretion shall in such Cases be left to the Court either to impose a Fine not exceeding 5 Rupees or inflict Corporal Punishment not exceeding 20 Lashes with a Rattan According to the degree of the Offence and Person's Station in Life.—

'18th That in adjusting the Claims of old Debts It shall be observed

[1] 'ecree'. [2] 'furnished with'. [3] 'y shall be'.
[4] 'it is'.

as a Rule that they bear no further Interest after such Adjustment, but that the Amount shall be payable by Kistbundee According to the Circumstances of the Party and as the Rates of Interest hitherto Authorized by Custom have Amounted to the most exorbitant Usury. The following Rates are now established to be received and pa (. . [1]) as well for past debts as on future Loans of Money ; Viz[t] On Sum[s] not exceeding 100 Rupees Principal an Interest of r[s] 3. a[s] 2. P Cent P Mensem, or ½ an Anna in the Rupee On Sums above 100 rupees Principal an Interest of 2 R[s] P Cent P[r] Mensem, The Principal and Interest to be discharged According to the Condition of the Bond and all Compound Interest Arising from an interin (. . .)[2] adjustment of Accounts to be deemed unlawfull and prohibited ; when a debt is sued for upon a Bond which shall be formed to Specify a higher Interest than the established Rates, the Interest shall be wholly forfeited to the debtor, and the Principal only recoverable ; and that all attempts to elude this Law by deductions from the Original Loan under whatever denomination shall be Punished by a Forfeiture of one Moiety of the Amount of the Bond to the Government and the other Half to the debtor.

'19[th] That all Bonds shall be executed in the presence of two Witnesses.—

'20[th] That whereas it has been too Much the practice in this Country for Individuals to exercise a Judicial Authority over ther (*sic*) debtors, a Practice which is not only in itself unlawfull and Oppressive seeing a Man thereby becomes the Judge in his Own Cause, but which is also a direct Infringement of the prerogative & Powers of the regular Government, that Publication shall therefore be made forbidding the exercise of all such Authority, and directing all Persons to prefer their Suits to the established Court of Audawlut. And that the Collector shall particularly attend to this Regulation which it is Apprehended will prove a great Means of Relief to the helpless Ryot from his Mercyless Creditor the Money Lender.—

'21[st] That in all Cases of disputed property regarding Lands, Houses, Landmarks &c[a] where a local Investigation is required, an Aumin shall be chosen with the Mutual consent of the Parties, or if they cannot Agree in the Choice of One Person, each shall have the priveledge of nominating his own, and the Collector shall decide upon their joint report of Circumstances. The Collector is also to attend that the Aumins do not Accumulate Expences by unnecessary delays, but that their Scrutiny and their Wages be limited to the Time he judges Sufficient for performing the Service in Question. The Expence of the Enquiry to be defrayed by the Person who is Cast.—

'22[nd] That in all Cases of disputed Accounts Partnership, Debts, doubtfull or contested Bargains, nonperformance of Contracts and so forth, it shall be recommended to the Parties to Submit the decision of their Cause to Arbitration, the Award of which shall become a Decree of the Dewannee Adawlut—The Choice of the Arbitrators is to rest with the Parties, but they are to decide the Cause without Fee or Reward—The Collector on the part of Government is to afford every encouragement in his Power to Inhabitants of Character and

[1] 'id'. [2] 'Intermediate'?

Credit to become Arbitrators but is not to employ any Coercive Means for that Purpose.—

'23rd That in all Suits regarding Inheritance, Marriage, Caste, and other religious Usages as Institutions, the Laws of the Koran with respect to Mahometans and those of the Shaster with Respect to Jentoos, shall be invariably adhered to; On all such Occasions the Mowlavies or Bramins shall respectively attend to expound the Law, and they shall sign the Report & assist in Passing the Decree.—

'24th That the Decree of the provincial Dewannee Adawlut on all Causes for Sums not exceeding 500 Rupees shall be final, but that for all above that Amount an Appeal shall lie to the Sudder.

'25th That the Court shall have Right of decreeing to the Party in whose Favor Judgement is given any Specific Sum for Costs within the real Amount, or in general to decree with Costs. The Bill in Both Cases to be Taxed by the Court.—

'26th That Persons found guilty of Preferring groundless, litigious or Vexatious Appeals shall be punished at the discretion of the Sudder Dewannee Adawlet by an Enhancement of the Costs which shall be given to the Respondent as a Compensation for the Trouble and Expence which he shall have Sustained.—

'27th That Complete Records shall be kept and Transmitted from the Provincial Phoujedarree Adawlut to the Nezamut Sudder Adawlut twice every Month thro' the Channel of the President and Council.— This exclusive of the proceedings in Trials for capital Crimes, which are to be transmitted as soon as closed :

'28th That the Collector shall also keep an Abstract Register in English of the Proceedings of this Court, in which shall be inserted only the Names of the Prisoners, the Crimes or Offences of which they stand charged, and the Sentence or Acquittal which shall be transmitted in like Manner twice every Month to the Sudder Adawlut.

'29th That the Authority of this Court shall extend to Corporal Punishment Imprisonment Sentencing to the Roads and Fines, but not to the Life of the Criminal. In Capital Cases the Opinion of the Court, with the Evidences and defence of the Prisoner shall be transmitted to the Nizamut Adawlut, and having obtained their Confirmation, it shall be ultimately refered to the Nazim for his Sentence, which shall be carried into immediate Execution, as directed in the 7th Article.—

'30th That Persons Guilty of petty Misdemeanours whose rank, Cast or Station in Life shall be thought to exempt them from Corporal punishment, may be made liable to Fine, but should such fines be laid for a larger Sum than 100. Rupees they are not to be inforced or levied without the Confirmation of the Nizamut Audawlut ; for which purpose they are to be immediately reported with a State of the Case and the Cause of their being imposed.

'31st That as the Forfeiture and Confiscation of the Property and Effects of delinquents Sentenced to the Loss of Life may & will often Occur, it is to be Observed, that such Forfeiture and Confiscation is not to depend upon the provincial Phouzdarree but upon the Nizamut Adawlut. It is to be a Standing Rule therefore to transmit with the proceedings of the Trial an Account of the Property and Effects of the delinquent and wait the Orders of the Sudder whether they are to be

surren (. . . [1]) to the Heirs or confiscated to the State. In the latter Case a Sale is to be made and the Amount brought to Publick Account.—

'32nd That Whereas the Honble Company from Motives of Tenderness and Solicitude for the Peace & Happiness of the Ryots hath determined to Abolish the Revenue which has hitherto arisen from the Collections of the Phougedarree Bazee Jumma ; the same is accordingly to be made Public : the Court is still to take Cognizance of all such Offences but shall inflict no other punishment for them than Stripes, or Imprisonment or Damages to (*sic*) to the party injured.—

'33rd That the same Motives of regard for the Tranquility and Happiness of the Ryots having induced the Government to Relinquish the Revenue Arising from the Rassooms or Fees of the Cazzee and his inferior Officers of which the Inhabitants have long complained as a severe Grievance ; The Cauzee and Muftee are therefore introduced in the List of Audawlut Officers at a Monthly Salary, In this Capacity they are to continue to Attest all Writings to perform all Ceremonies of Marriages, Births and Funerals, & to discharge all their other Functions as was customary heretofore. And as they are thus to be supported at the Expence of Government, they are to exact no Fees, Dues or Taxes whatsoever. Any Present or Gratification made with the entire free Will of the Party on the Occasion of a Marriage or of a Funeral, is not prohibited by this Regulation. But if upon Complaint it shall Appear that Force or any undue Influence has been Used to extort such Gratifications, the Cazee or Muftee so convicted shall be ipso Facto dismissed from his Office with Marks of Public Disgrace.

'34th That the Office of Yetasaub having become Obsolete is now totally abolished, but that the Cauzee and Muftee shall be allowed each two Deputies for performing the duties of their Office in the Purgunnahs, these to be stationed by the Collector at such convenient distances as that the Ryots may not have above One day's Journey to perform for calling in their Assistance.

'35th That whereas the peace of this Country hath for some Years past been greatly disturbed by bands of Decoits, who not only infest the high Roads, but often plunder whole Villages, burning the Houses and Murdering the Inhabitants : And Whereas these abandoned Outlaws have hitherto found means to elude every Attempt which the Vigilance of Government hath put in force for detecting and bringing such atrocious Criminals to Justice, by the Secrecy of their Haunts, and the wild State of the districts which are most Subject to their Incursions ; it becomes the indispensable duty of Government to try the most rigorous Means, Since Experience has proved every lenient and ordinary Remedy to be ineffectual : that it be therefore resolved that every such Criminal on Conviction shall be carried to the Village to which he belongs and be there executed for a Terror and Example to others, and for the further prevention of such abominable Practices, that the Village of which he is an Inhabitant shall be fined according to the Enormity of the Crime & each Inhabitant according to his Substance, and that the Family of the Criminal shall become the Slaves of the State, and be disposed of for the General Benefit and Convenience of the People according to the Discretion of the Government.—

'36th That the Tannadars and Pikes of the Districts shall be

[1] 'dered'.

punished by dismission, or Fines if they Neglect the Duties of their Charge, and as an encouragement to them to exert themselves in the Protection of the Villages committed to their Care, and in detecting, Opposing and bringing to Justice all decoits & other Offenders against the Public Peace, pecuniary Rewards, Grants of Lands, or particular priviledges and Immunities shall be granted them proportioned to their Deserts and the Services which they shall have rendered the State.—

'37th That in Addition to these general Regulations the Collectors shall frame such subsidiary Ones for promoting the due Course of Justice and the Welfare and prosperity of the Ryots, as the local Circumstances of their respective districts shall point out & require, and that they shall report the same to the Committee of Circuit, in order to their being communicated to the Board for their final Sanction and Confirmation.—That they shall in particular and without delay regulate and transmit for Confirmation the Fees to be received by all Peons and Pikes emploved in the Service of the Courts of Adawlut which can only be done with Accuracy from Information on the Spot. And that they shall further establish such Rules with penalties Annexed as may serve effectually to eradicate the practice among the Officers and Servants of the Cutcherry of exacting and receiving Bri(. . .[1]) from the Parties who have Causes in Suit; A Practice n(. . .[2]) only Criminal in the Persons who are guilty of it but wh(. . .[3]) reflects discredit and Reproach on the Government under which they Serve.—'

'To William Aldersey Esqr
and the rest of the Gentlemen of Council
at Fort William[4]

'Gentlemen,

'In the Copy of our proceedings which accompanied our Letter of the 28th Ultimo we intimated our Intention of communicating to You our Sentiments in a future address upon the Subject of the Magistracy of this Province, which, though an Appendage of the Nizamut We considered as not necessarily connected with the propositions which were then recommended to Your Attention, and of too much Importance to be lightly or only occasionally treated.—

'We now Transmit to You the Result of our Deliberations on this Subject, in the enclosed paper, entitled "A Plan for the Administration of Justice"; And if it meets with Your Approbation, we wish to receive Your Instructions for carrying it into immediate Execution.—

'For the Information of our Honble Employers it may be necessary to premise what You will readily perceive, that in forming the enclosed plan, We have confined ourselves with a Scrupulous Exactness to the constitutional Forms of Judicature already established in this Province, which are not only such as we think in themselves best calculated for expediting the course of Justice, but such as are best adapted to the Understandings of the People. Where we shall appear to have deviated in any respect from the known Forms, our Intention has been to recur to the original principles, & to give them that Efficacy of which they were deprived by venal and arbitrary Innovations, by partial Immunities granted as a Relief against the general and allowed abuse of Authority, or by some radical Defect in the Constitution of

[1] 'bes'. [2] 'ot'. [3] 'ich'.

[4] In the Proceedings of the Council at Fort William, Secret Department, dated 21st August, 1772, this is as follows: "To William Aldersey Esqre & Gentlemen of the Council at Fort William."

the Courts in being—And these Changes we have adopted with the less Heritatition[1] (*sic*) as they are all of Such a nature as we are morally certain will prove both of general Satisfaction and general Ease to the people.—

'The general principle of all despotic Governments that every Degree of power shall be Simple and undivided, Seems, necessarily to have introduced itself into the Courts of Justice,—This will appear from a Review of the different Offices of Justice instituted in these Provinces, which however unwilling we are to engross Your Time with such Details, we deem necessary on this Occassion, in proof of the above Assertions and in Justification of the Regulations which we have recommended.—

'1st The Nazim, as supreme Magistrate (*sic*) presides personally in the Trials of Capital Offenders, and holds a Court every Sunday called the Roz Adawlut.

'2nd The Dewan, is the supposed Magistrate for the Decision of such Causes as relate to real Estates, or property in Land, but Seldom exercises this Authority in person.

'3rd The Daroga Adawlut at (al?) Aalea, is properly the Deputy of the Nazim. He is the Judge of all Matters of property excepting claims of Land and Inheritance. He also takes Cognizance of Quarrels, Frays, and Abusive Names.—

'4th The Daroga Adawlut Dewannee, or Deputy of the Dewan, is the Judges (Judge?) of property in Lands.—

'5th The Fouzdar, is the Officer of the Police, The Judge of all Crimes not Capital. The proofs of these last are taken before him, and reported to the Nazim for his Judgement & Sentence upon them.

'6th The Cazee, is the Judge of all Claims of Inheritance or Succession. He also performs the Ceremonies of Weddings, Circumcision and Funerals.

'7th The Mohtesib has cognizance of Drunkenness, & of the vending of Spirituous Liquors, and intoxicating Drugs: and the Examination of false weights & Measures.—

'8th The Muftee, is the Expounder of the Law. Mem':[2]

'The Cazzee is assisted by the Muftee & Mohtesib in his Court. After hearing the parties and Evidences, the Muftee writes the Fettwa, or the Law applicable to the Case in Question, & the Cazzee pronounces Judgement accordingly.—If either the Cazzee or Mohtesib disapprove of the Fettwa, the Cause is referred to the Nazim who summons the Ijlass or general Assembly consisting of the Cazzee, Muftee, Mohtesib, the Darogas of the Adawlet, Moulevees and all the learned in the Law, to meet and decide upon it.—Their Decision is final—

'9th The Canongoes, are the Registers of the Lands. They have no Authority, but causes of Land are often referred to them for Decision by the Nazim, or Dewan, (or?) Daroga of the Dewannee.

'10th The Cootwall, is the Peace Officer of the night, dependent on the PHOUJDARREE.—From this List it will appear that there are properly three Courts for the decisions of civil Causes,/the Canongoes being only made arbitrators by Reference from the other Courts;/ and one for the Police and criminal Matters, The Authority of the Mohtesib in the latter being too confined to be considered as an

[1] Hesitation, in one copy. [2] Memorandum?

Exception.—Yet as all defective Institutions soon degenerate by use into that Form to which they are inclined by the unequal prevalence of their component Parts, so these Courts are never known to adhere to their prescribed Bounds but when restrained by the Vigilance of a wiser Ruler than commonly falls to the Lot of despotic States, at all other Times not only the civil Courts encroach on each other's Authority, but both civil and Criminal often take Cognizance of the Same Subjects; or their Power gradually becomes weak and Obsolete, through their own Abuses, and the Usurpations of Influence. For many years past the Darogas of the Adawlut at (al?) Aalea and of the Dewannee have been considered as judges of the Same Causes whether of real or personal property; and the Parties have made their Application as Chance, Caprice, Interest, or the Superior Weight and Authority of either directed their Choice.—At present from Obvious causes the Dewannee Adawlut is in Effect the only Tribunal, the Adawlut at (al?) Aalea or the Court of the Nazim existing only in name.

'It must however be remarked in Exception to the above Assertions that the Phowjdarree being a single Judicature, and the Objects of it clearly defined, it is seldom known—but in Times of Anarchy, to encroach on the civil power or lose much of its own Authority.—This however is much the Case at present.

'The Court in which the Cazzee presides Seem, to be formed on wiser Maxims and even on more enlarged Ideas of Justice and civil Liberty than are common to the despotic notions of Indian Governments.—

'They must be unanimous in their Judgement or the Case is referred in Course to the General Assembly.—But the Intentions (*sic*) of this Reference is defeated by the Importance which is given to it, & the insurmountable Difficulties attending the Use of it.—Few Cases of disputed Inheritance will happen in which the Opinions of 3 independent Judges shall be found to concur. There is therefore a necessity either that One shall overrule the other Two, which destroys the purpose of their Appointment, or that daily appeals must be made to the Nazim and his Warrant issued to Summon all the learned in the Law from their Houses, their Studies, & necessary Occupations, to form a Tumultuous assembly to hear and give Judgement upon them. The Consequence is that the general assembly is rarely held, and only on Occasions which acquire their Importance from that of the parties rather than from the Necessity of the Case itself.—The Cazzee therefore either advises with his Colleagues in his own particular Court, & gives Judgement according to his own Opinion,—Or more frequently decides without their assistance or Presence.

'Another great and capital Defect in these Courts is the want of a Substitute or Subordinate Jurisdiction for the Distribution of Justice in such parts of the province as lie out of their Reach, which in Effect confines their Operations to a circle extending but a very Small aistance[1] (*sic*) beyond the Bounds of the City of Moorshedabad.—This indeed is not universally the Case, but perhaps it will not be difficult to prove the Exceptions to be an Accumulation of the Grievance. Since it is true that the Courts of Adawlut are open to the Complaints of all Men; yet it is only the Rich, or the vagabond part of the people who can afford to travel so far for Justice, and if the industrious Labourer is called from the furthest part of the province to answer their Complaints, and wait the tedious process of the Courts to which

[1] 'distance'?

they are thus made Amenable, the Consequences will in many Cases be more ruinous and oppressive than an arbitrary Decision would be if passed against them without any Form or process of Law whatever.—

'This Defect is not however left absolutely without a Remedy, the Zemindars, Farmers, (......[1])ars, & other Officers of the Revenue assuming that power for which no provision is made by the Laws of the Lands, but which in whatever Manner it is exercised, is preferable to a total Anarchy.—It will however be obvious that the Judicial Authority lodged in the Hands of Men who gain their Livelyhood by the Profits on the Collections of the Revenue, must unavoidably be converted to Sources, of private Emoluments and in Effect the greatest Oppressions of the Inhabitants owe their Origin to this necessary Evil.—The Cazzee has also his Substitutes in the Districts, but their legal powers are too limited to be of general Use, and the Power which they assume being warranted by no lawful Commission; but depending on their own Pleasure, or the Ability of the People to contest them, is also an Oppression.—

'From this variety of Materials We have endeavoured to form the plan of a more compact but more extensive System of Judicature, by instituting two Superior Courts at the Capital, the one composed of the united Magistracy of the Adawlut al Aalee the Adawlut Dewannee, and the Cazzee,/ or Cazzee's Office / for the Decision of civil Causes; the other corresponding to the Phowjdarree for the Trial of criminal Cases. To prevent the abuse of the power vested in these Courts, and to give Authority to their Decrees, each instead of a single Judge is made to consist of several Members, and their Enquiries are to be conducted under the Inspection and Sanction of the supreme. Administration.—To render the Distribution of Justice equal in every part of the Province similar but inferior Courts are also proposed for each separate District, & accountable to the Superior.—The usurped Power of the Officers of the Collection, and of the Creditors over the Persons of their Debtors is abolished.—The judicial Authority which by the 10^{th} Reg^{n} is still allowed to the Farmers of the Revenue is a single Exception to the general Rule which we have laid down of confining such powers to the Two Courts of Adawlut. But as this is restricted to Cases of property not exceeding 10 R^{s}, and as they have no Power of inflicting Punishment, or levying Fines, we think an ill Use is not likely to be made of so inconsiderable a Privilege, especially as they themselves are amenable to the Courts of Justice, which will be always ready to receive Complaints against them: And some such Means of deciding the trifling Disputes of the Reiats upon the Spot is absolutely necessary, as they cannot afford, nor ought to be allowed on every mutual Disagreement to travel to the Sedder Cutcherry for Justice,—The detestable and authorized Exactions of the Foujdarree Court which had its exact Imitators in every Farmer, and Amil of the Province, under the Denomination of Bazee Jumma, have been prohibited, conformably to the wise and humane Injunctions of our Honble Masters who From the Same Spirit of Equity have renounced the Right hitherto exercised by the Country Government, and Authorized by the Mahometan Law, to a Commission on the Amount of all Debts, and on the Value of all property recovered by the Decrees of it's Courts; a practice repugnant to every principle of Justice, as it makes the magistrate a Party in the Cause on which he decides, and becomes

[1] Shicd'.

a legal Violation of the Rights of private property committed by that power which should protect and Secure it.—

'It has also been our Aim to render the Access to Justice as easy as possible.

'By keeping exact Records of all judicial proceedings it is hoped that these Institutions, if they receive the Sanction of Your Approbation, will remain free from the Neglects and Changes to which they would be liable from a less frequent Inspection.

'We have judged it necessary to propose some Exceptions to the Order of the Honble Court of Directors for the total Abolition of Fines in the Court of Foujdarree. All offences are not punishable by Stripes and to Sentence Men of a certain Rank in Life, or of a superior Cas (...[1]) to such a public Disgrace would exceed the Proportion of the Offence, and extend the Punishment to all the Relations and Connections of the Delinquent. To Suffer him to escape with total Impunity would be an Injustice in the other Extreme; In such Cases there is but the middle way, which we can adopt with an equal Regard to the Spirit of our Honble Masters Commands, and the Rights of Justice; and that is, by levying the Fine upon the Offender, but converting it to a Reparation of the Injury.—

'Our Motive for the Abolition of the Fees of the Cazzees and Muftees will best appear in the following Extract of a Minute of our Proceedings at Kishen-Nagur, relating to the Haldarree or Tax on Marriages, which for the Reasons therein assigned We forbad to be levied any longer but (and?) deducted from the Settlement of Nuddea.—Convinced of the pernicious Effects of so impolitic a Tax, We propose to grant the same Exemption to the other Districts subject to our Direction, and submit it to Your Consideration whether it will not be proper to make it general throughout the Province.—

'The same Reasons which have induced Us to abolish the Haldarree operate with equal Force against the Fees of the Cazzees and Muftees, which have always proved a heavy Grievance to the poor, & an Impediment to Marriage.—We have therefore determined on a total Abolition of these and of the other less Dues hitherto allowed to these Officers, and to put them on the Footing of monthly Servants with fixed Salaries.—We were led to this Resolution not only by the speculative advantages which it promised but by the Experience which this Country has already had of its Effects from a similar Institution of the Nabob Meer Cossim about the Beginning of the Year 1763. which/as we are assured/was productive of more Marriages than had been known to take place for Years before, and Instances have been even quoted of Men of 40 & 50 Years of age who till then had led a Life of Celibacy immediately availing themselves of this Exemption to enter into a State from which they had been before precluded (. . .[2]) by the Want of Means to support the various Expences attending it.—

'EXTRACT of the Proceedings of the Committee at Kishen Nagur dated the 28th June 1772.—

'The Collector explains the Haldarry, or Custom on Marriage to be a Tax levied by Government of the variable Rate of 3 Rupees, 3 Rupees 8 Annas & 4 Rupees 4 Annas on each.—Besides the Haldarry there are fees paid to the Cauzies and Mufties.—The former receive from the principal Inhabitants 2 Rupees from the 2nd Class 1 Rupee 8 Annas and from the lowest Class 1 Rupee.—The fees of the Muftees

[1] 'te'. [2] 'solely'.

are received from the Musicians, and other People who officiate at the Festival : (. . . [1]) that on the whole, the fees of Marriage may be estimated at 6 Rupees for each, exclusive of the Dues, or voluntary Benefactions of the Gentoos to their Brahmins.

'The Committee are of Opinion, and resolve Accordingly, that all the Fees and Taxes of this Article which produce a Revenue to Government be abolished as tending to discourage Population, an Object at all times of Importance to Government, but more especially at this Time from the great loss of Inhabitants which the Country has Sustained by the late famine, and the Mortality which followed it. They are further of Opinion that the Abolishing of the Fees to the Cauzy and Muftee will afford a great Relief to the Inhabitants, as it will not only absolve them from the fees themselves, but also from the Effects of the Oppressive Mode in which these dues are exacted. But on this Subject they judge it will be more proper to come to a general Resolution at the City, and therefore postpone the further Consideration of it untill their Arrival at that Place'.—

'We have judged it necessary to add to the Regulations with respect to the Courts of Fowjdarree, a proposal for the Suppression and Extirpation of Decoits which will appear to be dictated by a Spirit of Rigor and Violence very different from the Caution and Levity of our other Propositions, as it in some respect involves the innocent with the Guilty. We wish a milder Expedient could be Suggested but we much fear that this Evil has acquired a great Degree of its Strength from the Tenderness and Moderation which our Government has exercised towards these Banditti, Since it has interfered in the internal Protection of the Provinces.—We confess that the Means which we propose can in no wise be reconcileable to the Spirit of our own Constitution ; but till that of Bengal shall attain the same Perfection, no Conclusion can be drawn from the English Law that can be properly applied to the Manners or State of this Country.—The Decoits of Bengal are not like the Robbers in England. Individuals driven to such desperate Courses by sudden Want.—They are Robbers by profession & even by Birth.—They are formed into regular Communities and their Families subsist by the Spoils which they bring Home to them.—They are all therefore alike (. . . [2])al :—Wretches who have placed themselves in a State of declared War with Government, and are therefore wholly excluded from every Benefit of its Laws.—We have many Instances of their meeting Death with the greatest Insensibility. It loses therefore its Effects as an Example ;—But when executed in all the Forms and Terrors of Law, in the Midst of the Neighbours and Relations of the Criminal ; when these are Treated as Accessaries to his Guilt, and his Family deprived of their Liberty, and separated for ever from each other ; every Passion which before served as an Incentive to Guilt, now becomes subservient to the purposes of society, by turning them from a Vocation in which all they hold dear besides Life becomes forfeited by their conviction.—At the same time their Families, instead of being lost to the Community, are made useful Members of it, by being adopted into those of the more civilized Inhabitants.—The Ideas of Slavery borrowed from our American Colonies will make every Modification of it appear in the Eyes, of our own Countrymen in England a horrible Evil—But it is far otherwise in this Country.—Here Slaves are treated as the Children of the Families to which they belong, & often acquire a much happier State by their Slavery than

[1] 'so'. [2] 'crimin'.

they could have hoped for by the Enjoyment of Liberty; so that in Effect the apparent Rigor thus exercised on the Children of convicted Robbers will be no more than a Change of Condition by which they will be no Sufferers, though it will operate as a Warning on others, and is the only Means which we can imagine capable of dissipating these Disperate and abandoned Societies, which subsist on the Distress of the general Community.'—

APPENDIX 17[1]

LETTER FROM THE COMMITTEE OF CIRCUIT, DATED AT COSSIMBAZAR, 28TH JULY, 1772.[2]

'To

William Aldersey Esq[r]
and to the rest of the Gentlemen of
Council at Fort William.

'Gentlemen,

'In a separate (*sic*) Letter [3] of this date we signified to you that our Proceedings on the future Regulation of the Khalsa should be forwarded without Delay. We accordingly now transmit you a Minute containing our Sentiments on the first Resolution to be taken on that subject namely, whether the immediate superintendence of the Collections shall continue to be conducted by a Council of Revenue at Moorshedabad, or be transferred to the Presidency, and put under the Controul of the Members of the administration.

'Having with all the attention we are capable of, weighed and discussed every argument which has occurred to us on this very important subject, the Result of our Deliberations is, that the Khalsa Catcherry, and all the offices dependent upon it ought to be removed to Calcutta. Without adopting this plan it does not appear to us that either the Honble Company's Intentions will be answered or their expectations fulfilled with Respect to new modelling the Duannee. As they have been determined to stand forth as Duan we think no Persons can with so much propriety represent them in that character as the Body of their administration. And as the Reform of abuses the Remedy of Defects and the Establishment of necessary & salutary Regulations for the welfare of the Country the Prosperity of its inhabitants and the improvement of its Revenue, Trade & Manufactures can only be effected by a Length of Time, persevering attention and the benefit of an immediate knowledge, and communication with the Business of the Collections and the administration of justice. (*sic*) It becomes we think indispensably necessary that the Head cutcherry should be so situated as to put in our Power those means of fulfilling our Duty and our Employers Expectations.

[1] See page 478 (foot-note 2) *ante*.

[2] See the Proceedings of the meeting of the Council in its Secret Department, held at Fort William on 6th August, 1772; also the Consultation, Committee of Circuit, of 28th July, 1772.

[3] In one copy this expression is : In a separate Address.

'We submit the whole to your serious consideration and request to be favored with your Sentiments as early as possible the present question being the ground work by which all our future arrangements must be guided.

We are Etc.
Warren Hastings
Samuel Middleton
P. M. Dacres
James Lawrell
J. Graham'.

COSSIMBAZAR
The 28th July 1772.

APPENDIX 18[1]

'O. C. No. 2, SECRET DEPARTMENT, FORT WILLIAM, DATED 18TH OCTOBER, 1775: REINSTATEMENT OF MAHOMED REZA CAWN.

'Ordered that the Secretary acquaint Mahomed Reza Cawn that the Hon'ble the Court of Directors have been pleased to approve of the Proceedings of the late Board on the Investigation of his conduct by which he was acquitted of the accusations laid to his charge excepting the amount due to the Company, on account of the Dacca Revenues, which sum however they have suspended, their Claim to in Consideration of the Inconveniences, which he may have suffered during the time of his Examination and wishing that he should remain under no obligation to them than that of Gratitude they consent to his total enlargement and that he be further acquainted that the Hon'ble the Governor General & Council have therefore been pleased to recommend him to the Nabob. (*sic*) Mobarik O'Dowla to be Naib Souba or Minister of the Sircar and Guardian of his minority, with authority to transact the Political affairs of the Sircar, to superintend the Fouzdarry Courts and the administration of Criminal Justice throughout the Country and to enforce the operation of the same on the present Establishment or to new Model and correct it and as the Board wish that he shall have full control over the officers of the Criminal Courts in the Character of Naib Souba they propose to remove the Nezamut adaulet now at Calcutta to be held in future at Moorshedabad.'

APPENDIX 19[2]

An instance of a dispute at Calcutta between the Mayor's Court and Mr. J. Z. Holwell acting as Zemindar in his Court of Cutcherry.

The two following extracts from a General Letter from the President and Council at Fort William to the Court of Directors, dated 8th December, 1755, will indicate the occasion and nature of the dispute referred to above[3]:—

Para. '134. As there has happened a warm contest between the Mayor's Court and our Zemindar concerning a Decree of his in

[1] See page 481 (foot-note, para. 1) *ante*.

[2] See page 522, foot-note, para. 1.

[3] Also see in this connexion the Consultation, Home Department (Public), Fort William, of 25th September, 1755; also Firminger's article entitled *Some Records illustrative of the Mayor's Court—II* in *Bengal: Past and Present*, Vol. X, pp. 123–45.

Cutcherry upon a complaint lodged there by an European and Fringy against a Fringy. We shall relate the particulars of that affair very minutely and request your Honours' sentiments thereupon fully in Order to prevent the two Jurisdictions clashing with each other.

'135. On the 19th May Mr. Holwell acquainted us, that on the 12th of that Month one Monsr. Dimondtaguy and his Wife Phoebe laid a complaint in the Cutcherry against the latters' (*sic*) Mother a black Fringy named Sarah Shadow setting forth, that prior to the Marriage of the said Phoebe her Mother had prevailed on her to secret and lodge in her Hands a pair of Diamond Ear-Rings a Gold headed Cane, eighteen Gold Buttons and a Silver Cup and Salver, telling her that as she was a stranger to the Principles of the man she was going to marry she had better conceal the above things from him, as she might have them again whenever she pleased. The cause coming to Issue before him the Defendant (Sarah Shadow) asserted the things were deposited with her by Phoebe for the use of a child of hers by a former Husband but this being absolutely denyed by the said Phoebe and the Defendant having no Proof beyond her own assertion nor any written obligation produced or pretended to be given by the said Phoebe by her Mother. He had decreed the Restitution of the above Things to the Complainants to whom they were deliver'd the same Day. Mr Holwell then remonstrated that he had been served that Day with a Citation to appear before the Mayor's Court the Fryday after and there to produce and deliver the above things. This proceeding he thought so extrajudicial and injurious in the said Court as would (he doubted not) call for the Cognisance of the Board, for if he could be cited to appear before the Mayor's Court for any Decree duly pronounced in the Execution of his Office the authorities of the Honours of the Board, and of that annexed to his Office were nought and the whole Jurisdiction of the settlement invested in the said Court. He therefore desired the Orders of the Board touching the Regard he must pay to that Citation.'

APPENDIX 20[1]

PROCEDURE IN THE MAYOR'S COURT.

The extracts, given below, from the Charter granted to the East India Company on 8th January, 1753, by King George the Second will indicate the rules of practice which were to be observed in the Mayor's Court to be established at Madras under the Charter. *Mutatis mutandis*, these rules of practice were also to be followed in the Mayor's Court to be established, under the same Charter, 'at Calcutta, at Fort William, in Bengal' (as well as at Bombay).

'The Form of Proceeding of the (Mayor's) Court in Civil Actions.'

'And Our further Will and Pleasure is, and We do, by these Presents, for Us, our Heirs and Successors, direct, ordain and appoint, that, upon Complaint to be made in Writing to the said Court (i.e., the Mayor's Court at Madras), by, for, or on Behalf of any Person or Persons, against any other Person or Persons whatsoever, then residing or being, or who, at the Time when such Cause of Action did or shall accrue, did or shall reside, or be within the said Fort (St. George) or Town (of Madraspatnam), or the Precinct, District or Territories thereof, of any of the Causes of Suit aforesaid, already accrued, or which shall or may hereafter accrue (unless the same shall be between the Indian Natives only, as aforesaid, or unless such Cause of Suit

[1] See page 564, foot-note 2.

shall not exceed the Value of Five Pagodas) the said Court shall and may issue a Summons, in Writing, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor, for the Time being, or, in case of his Absence, the Senior Alderman, residing within the said Town of Madraspatnam, or Fort St. George, to be One) to be directed to the said Sheriff, requiring the Party or Parties, Defendant or Defendants, to appear before them, at a certain Time and Place therein to be appointed, to answer the said Complaint; and in Default of Appearance, upon Return of the said Summons, at such Time and Place, the said Court shall and may issue forthwith a Warrant, under the Hands and Seals of any Two of the Judges of the said Court (whereof the Mayor, for the Time being, or the Senior Alderman, then residing within the said Town of Madraspatnam, to be One) unless the said Mayor, or Senior Alderman, shall be a Party in such Action or Suit; and in that case under the Hands and Seals of any other Two of the Judges of the said Court, directed to the Sheriff, for the Time being, to take the Body or Bodies of such Defendant or Defendants, and bring him, her or them, before the said Court, at a certain Time and Place therein to be appointed, to answer to the said Complaint; and in case of Appearance, or Arrest of the Body or Bodies of such Defendant or Defendants, to let such Defendant or Defendants out to Bail, upon giving sufficient Security (which We do hereby empower the said Court to take) to abide and perform the final Order and Judgment of the said Court, or such final Order and Judgment as shall and may be given, upon any Appeal, to be brought in the said Cause, or to surrender himself to the said Court, to be charged in Execution till the said Judgment shall be satisfied; and in Default of finding Bail, or giving such Security as aforesaid, to detain such Defendant or Defendants in Custody, until he or they shall have found such Bail, or have given such Security as aforesaid, or shall have Judgment or Sentence given for him, her or them, upon such Complaint; and after such Bail found, or Security given as aforesaid, or in case such Defendant or Defendants shall be detained in Custody, for Want of Bail or Security; We do hereby, for Us, Our Heirs and Successors, ordain, direct and authorize, the said Court, to proceed to the Examination of the Matter and Cause of Complaint, either upon the Oath or Oaths or solemn Affirmation, of any Witness or Witnesses, to be taken in the most solemn Manner, that is to say, the Oath or Oaths of such Witness or Witnesses, who shall profess the Christian Religion, to be taken upon the Holy Evangelists; unless such Witness or Witnesses shall be of the Persuasion of the People called Quakers, in which case a solemn Affirmation shall be sufficient; and upon the Oath or solemn Affirmation of any of the Natives of India, in such Manner as they, according to their several Casts, shall esteem to be most binding on their Consciences, to oblige them to speak the Truth; and the Deposition or Depositions of such Witness or Witnesses shall be reduced into Writing, and subscribed in open Court, by such Witness or Witnesses (for which Purpose We do, by these Presents, empower and require the said Court to administer such Oath or Affirmation, or cause the same to be administered to such Defendant or Defendants, or to such Witness or Witnesses, as shall be produced on the Behalf of either Party, Plaintiff or Defendant) or by the Confession or Admission of such Defendant or Defendants, in his, her or their Answer, upon the like Oath or Affirmation, according to his, her or their Religion, Sect or Cast respectively; and thereupon it shall be lawful for the said Court, to give Judgment and Sentence,

according to Justice and Right, and to award and issue a Warrant or Warrants of Execution, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor of the said Town or Factory of Madraspatnam, for the Time being, or the Senior Alderman, then residing within the said Town or Factory, to be One) unless they, or either of them, shall be interested therein; and in that Case under the Hands and Seals of any Two of the Aldermen not interested therein, to be directed to the Sheriff, for the Time being, for levying the Debt, or Duty, adjudged or decreed to the Party or Parties complainant, together with Costs of Suit upon the Goods and Chattels of such Defendant or Defendants and to cause Sal to be made of the said Goods and Chattels, rendering to the Party the Overplus (if any be) and for Want of sufficient Distress, We do hereby, for Us, Our Heirs and Successors, give full Power and Authority to the said Court, to imprison the Defendant or Defendants, until Satisfaction be made by him, her or them, to the Plaintiff or Plaintiffs, of the Debt, or Duty, decreed or adjudged, together with the Costs of Suit: And in case Judgment shall be given for the Defendant or Defendants, We do hereby, or Us, Our Heirs and Successors, likewise give full Power and Authority to the said Court, to award Costs to such Defendant and Defendants, and to issue the like Process and Execution for the same, as in Cases where Costs are awarded to any Plaintiff or Plaintiffs.

'And if any Action or Suit shall be brought or commenced against the Mayor of the said Corporation, for the Time being, during his being or continuing in his Office, it shall and may be lawful for the said Mayor's Court, to proceed and determine such Suit, in the same Manner as in other Actions or Suits depending before them; but such Mayor shall not sit as a Judge, or appear on the Bench, during the hearing of the Cause, or making any Order therein; and if any Action or Suit shall be brought or commenced against the said Cheriff (*sic*), during his being and continuing in his Office, it shall and may be lawful to and for the said Governor, or President and Council, for the Time being, or the major Part of them, to nominate and appoint a proper Person, to execute the Process and Orders of the said Court, against such Sheriff, for the Time being.

'How to proceed, if an Action be brought against a Mayor, or Sheriff.'

'And in case any Person or Persons shall have any Action or Suit against The said United Company, and shall make Complaint thereof in Writing unto the said Mayor's Court, it shall and may be lawful for the said Court, to issue their Summons to the said Governor, or President and Council, to appear for The said United Company; and the said Governor, or President and Council, shall thereupon appear for the said Company, and shall be admitted to answer and defend such Suit, in the Name, and for and on the Behalf of the said United Company; And the said Mayor's Court shall be at Liberty to issue such Process against the said Company, and their Estate and Effects, as shall be necessary to compel the Appearance of the said Company; and shall proceed to hear and determine such Cause of Action, in the same Manner as they are hereby authorized, and empowered, to hear and determine other Actions and Suits; and, in case the said Company shall be condemned in such Action or Suit, to raise and levy upon their Goods, Estate and Effects, the Debt or Damages, together with such Costs of Suit as shall be awarded by the said Court, subject nevertheless to such Appeal as is herein after mentioned; And in like Manner, if The said United Company shall have any Action or Suit against any Person or Persons, it shall and may be lawful, to and for

'Or against the Company.'

'Or if the Company have any Action against any Person.'

the said Governor, or President and Council, for and on the Behalf of the said Company, and in their Name, to make Complaint thereof in Writing to the said Mayor's Court, who shall proceed therein, and shall hear and determine the same as in other Cases, and in case Judgment or Sentence shall be given against the said Company, shall award Costs, to be levied upon the Goods and Effects of the said Company, as they shall see Occasion.

'In case a Defendant withdraws himself out of the Jurisdiction of the Court.'

'And to the Intent that due Provision be made, that there may be no Failure of Justice, if the Defendant or Defendants, who was or were resident within the said Town of Madraspatnam, or any of the Factories or Districts subordinate thereto, at the Time when any Cause of Action did accrue, shall withdraw him, or herself, or themselves, out of, or shall not be found within the Jurisdiction of the said Court; We do, by these Presents, give, grant, will, direct and appoint, that in case the Sheriff shall make Return to such Summons or Warrant of Arrest, that the Party or Parties, Defendant or Defendants, therein mentioned, or any of them, is, or are not to be found within the Jurisdiction of the said Court, it shall and may be lawful, to and for the said Court, upon an Affidavit of Proof, verifying the Demand of the Plaintiff or Plaintiffs in such Suit, to the Satisfaction of the said Court, to grant a Sequestration to seize the Estate and Effects of such Party or Parties, Defendant or Defendants, to such Value as the said Court shall think reasonable, and shall direct in such Process of Sequestration; and the same to detain in the Hands of a proper Person, to be appointed by the said Court, till such Party or Parties shall appear to the said Complaint, and give Security as aforesaid; and in case the Party or Parties, Defendant or Defendants, shall not appear, and give Security as aforesaid, within the Soace (space?) of Six Months (unless it be shewed to the said Court, on the Behalf of such Defendant or Defendants, that he or they is or are residing in Great-Britain, or Ireland) then it shall and may be lawful for the said Court, to proceed to hear and determine the said Cause, and to give Judgment therein as aforesaid: And in case Judgment shall be given for the Plaintiff or Plaintiffs in such Suit, to direct the Effects so seized to be sold, and out of the Produce thereof to make Satisfaction to the Plaintiff or Plaintiffs, for the Duty and Costs recovered, returning the Overplus, if any such shall be; and in case such Produce shall not be sufficient to make Satisfaction to the Plaintiff or Plaintiffs, then it shall and may be lawful for the said Court, to award Execution for the Residue of the Duty, and Costs, recovered in Manner as aforesaid'.

APPENDIX 21[1]

The following extracts from the Charter granted to the East India Company on 8th January, 1753, by King George the Second related to the power of the Mayor's Courts to be established, under the Charter, at Madras, Bombay and Calcutta, 'to grant Probats (*sic*) of Wills, and Letters of Administration'.

'And whereas it frequently happens, that the Effects and Estates of Persons dying in the East-Indies, or Parts aforesaid, are wasted and embezzled, and their Debts contracted there remain unpaid, for Want of a proper Authority vested in some Person or Persons, residing in

[1] See page 577, foot-note 3.

'The Mayor's Courts empowered to grant Probats of Wills, and Letters of Administration.'

the East-Indies, or Parts aforesaid, to take care of the same; for the preventing of which Mischief, We do hereby, for Us, Our Heirs and Successors, give and grant, unto the said Company and their Successors, and do, by these Presents, ordain, establish and appoint, that where any Person shall die, within the said Town of Madras-patnam, or Fort St. George, or the Limits thereof, or any of the Factories subordinate to Fort St George aforesaid, the said Town of Bombay, in the Island of Bombay, or the Limits thereof, or the Factories subordinate thereto, or the said Town of Calcutta, at Fort William, in Bengal, or the Limits or Districts of the same, or the Factories subordinate thereto; and shall by his Will appoint any Person or Persons, residing within the Towns, or the Limits thereof, or the Factories aforesaid, to be his Executor or Executors, that in such Case the Mayor's Court, within the District or Jurisdiction whereof such Person shall happen to die, upon Proof made of the due Execution of the said Will, shall, and they are hereby authorized to grant Probat of the said Will, under the Seal of the said Court (which We authorize them to use, for this and other necessary Purposes) whereby the Person or Persons, so named Executor or Executors, shall have full Power, and ample Authority, to act as Executor or Executors, as touching the Debts and Estate of his, her, or their Testator, within the Limits of Trade granted to the said Company; and where any Person shall die, within any of the said Towns, or Factories, or the Limits thereof, Intestate, or not having appointed some Person or Persons to be his Executor or Executors, residing within the said Towns, or Factories, or the Limits thereof, that, in either of these Cases, the said Mayor's Court (within the Jurisdiction whereof such Person shall happen to die) shall, and the same is hereby empowered, to grant Letters of Administration, or Letters of Administration with an authentick Copy of the Will annexed, determinable upon any Executor, named in such Will, appearing in the said Court, and praying Probat thereof, as touching the Debts and Estate of such Person dying Intestate, or not naming such Executor as aforesaid, that shall be, or arise, within the Limits of Trade granted to the said Company, to such Person or Persons, then residing within the Jurisdiction of the said Court, as shall be next of Kin to the Person so dying; and in case no such Person shall be then residing within the Jurisdiction of the said Court, then to the principal Creditor of the Person so dying; and for Want of any Creditor appearing, then to such other Person or Persons as shall be thought proper by the said Court, every such Person or Persons to whom Administration shall be granted, first giving Security, by Bond, with Two or more able Sureties (Respect being had to the Value of the Estate) to the Mayor of the said Town or Factory, with Condition in Manner and Form following, *mutatis mutandis* (to wit).

'The Administrator's Bond.'

'The Condition of this Obligation is such, that if the above-bounden A. B. Administrator of the Goods, Chattels and Credits, of C. D. deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits, of the said deceased, which have or shall come to the Hands, Possession, or Knowledge of him, the said A.B. or to the Hands or Possession of any other Person or Persons for him, and the same, so made, do exhibit, or cause to be exhibited, into the Mayor's Court of
at or before the Day of next ensuing, and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits, of the said deceased, at the Time of his Death, or which, at

any Time after, shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law; and further do make, or cause to be made, a true and just Account of his said Administration, at or before the Day of and all the Rest and Residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Judges, for the Time being, of the said Court, shall deliver, and pay unto such Person or Persons respectively, as shall be lawfully entitled to such Residue; then this Obligation to be void, and of none Effect, or else to remain in full Force and Virtue.

'Administrators giving Bond, may act.'

'And it is Our Will and Pleasure, that such Person or Persons, to whom Administration shall be so granted, shall and may act, in all Respects, as Administrator or Administrators, touching the Debts, Effects and Estate, of such Person or Persons, to whom he or she shall take out Administration as aforesaid, which shall be or arise within the said Limits of Trade'.

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[1] This Bibliography has been given here, more or less, as a matter of form, since, throughout this volume, we have indicated in foot-notes the sources of our information. Nor is this Bibliography exhaustive.

[2] *Reports* referred to in this section also include Appendices thereto.

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GLOSSARY[1]

Aalea : Supreme ; chief.

Abwab (also **Aboab**) : Miscellaneous cesses, imposts and charges levied in addition to the regular assessment on the land.

Adalat (also **Adaulet, Adaulut, Adawlut, Adawlat, Adawlet, Audawlet, Awdaulet**): A court of justice.

Altamgha : See Ultamgan.

Anna : The sixteenth part of a rupee ; also used to denote 'a corresponding fraction of any kind of property'.

Arizbeggy (Arz-begi) : 'An officer who, under the Mogul Government, was appointed to receive and present petitions, etc.'

Arrack : Spirit ; juice ; essence ; sap drawn from the date palm.

Arzee (also **Arzie**) : An address from an inferior ; a 'petition or humble representation either oral or in writing ; the technical term for a request from an inferior to a superior'.

Asswarry (also **Sewary, Sowarry, Swwary,**): 'A cavalcade, a cortege of mounted attendants'; 'a number of persons mounted, especially on state occasions ; equipage ; retinue'. The train of attendants who accompany a Nabob or other great men on the road.

Augun (Agrahayan) : The name of the eighth month of the Hindu year in Bengal, corresponding to the period from about the middle of November to about the middle of December.

Aumil (also **Amil, Aumill**): An officer of revenue, inferior to both an Aumeen and a Zemindar ; a collector of revenue; Superintendent of a district or division of a country; a farmer of revenue invested with chief authority in his district.

Aumin (also **Amin, Aumeen**): An officer employed by Government "to examine and regulate the state of the revenues of any district"; a supervisor ; a 'temporary collector, or supravisor, appointed to the

[1] This Glossary is based upon the following works :—

(i) *A Narrative of the Transactions in Bengal, from the Year 1760, to the Year 1764, etc., Vol. I, An Explanation of the Indostan Words*, 1766, by Henry Vansittart.

(ii) *Considerations on India Affairs, Glossary of Hindostan Words, as used in Bengal*, 1772, by William Bolts.

(iii) *A View of the Rise, Progress and Present State of the English Government in Bengal, Glossary*, 1772, by Harry Verelst.

(iv) *A Glossary of Judicial and Revenue Terms*, by H. H. Wilson.

(v) *Hobson-Jobson: A Glossary of Colloquial Anglo-Indian Words and Phrases, and of Kindred Terms, etc.*, by Col. Henry Yule and A. C. Burnell.

(vi) *Glossary*, 1813, *to the Fifth Report (1812) from the Select Committee of the House of Commons on the Affairs of the East India Company*, by Charles Wilkins (Firminger's Edition, Cambray, 1918.)

(vii) *Early Revenue History of Bengal and the Fifth Report, 1812, Glossary*, by F. D. Ascoli.

Some of the terms given in this Glossary have different meanings. I have given here only such meaning or meanings as have relevance to the text of this volume.

charge of a country on the removal of a *Zemindar*, or for any other particular purpose of local investigation, or arrangement'; also applied to "native assistants in the duties of land-survey"; a trustee or commissioner; a person "employed to examine and regulate any business".

Aurung : A place where goods are manufactured or produced for sale ; also a depôt for such goods. A manufacturing town or village. "During the Company's trading days" this term was also applied to its "factories for the purchase, on advances, of native piece-goods, etc.".

Bahdre (Bahadur, Bahaudur): A title of honour or distinction.

Bai Naman: A deed of sale. "A document merely giving a right to obtain another document creating declaring, assigning a right, title and interest in immovable property".

Bandahr (Bunder): A seaport; a harbour ; a landing place. Sometimes also used for a custom-house. "When not a seaport, it especially applies to a mart on the banks of a river."

Bang (Bhang): "The dried leaves and small stalks of hemp used to cause intoxication"; an intoxicating herb.

Banyan (also **Banian**): A Hindu merchant or shopkeeper. A Hindu servant "employed in the management of commercial affairs". The term was used in Bengal "to designate the native" who managed the money concerns of the European, and sometimes served him as an interpreter. "A Banyan is a person..............by whom the English gentlemen in general transact all their business. He is interpreter, head-book-keeper, head-secretary, head-broker, the supplier of cash and cash-keeper, and in general also secret-keeper".—Bolts. (Also see pages 439-41 *ante* in this connexion.)

Batta: An extra allowance paid to "officers, soldiers, or other public servants, when in the field, or on other special grounds ; also subsistence money to witnesses, prisoners, and the like". Also "difference in exchange, discount on coins not current, or of short weight". Also "the rate of exchange between rupees of different species". "Amount added to or deducted from any payment according to the currency in which it is made as compared with a fixed standard coin".—(Sinha, *Economic Annals of Bengal*, p. 284.)

Battacharije (Bhattacharyya): Generally speaking, a Brahmin who does the work of a priest.

Bazee Jumma (Jamma): "Miscellaneous total; aggregate of revenue arising from sundry heads". Also "lands held by *Brahmans* and others".

Begum: A princess. Any great man's wife. A title given to every lady of rank. A woman of high rank. (The term is generally applied to Muhammadan ladies).

Bengallees : The people of Bengal.

Berhameter (Brahmattur): "For the use of Brahma. Lands the produce of which is appropriated to Hindu temples, and for the performance of religious worship". Also, a rent-free grant to a Brahman for his support.

Bhela (Bahla, Bihla ?): "Privy purse ; port-folio".

Brahmin (Brahman : 'derived from Brahma the Divinity'): A divine; a priest ; a member of the priestly caste among the Hindus. 'A man of the first order of caste' among the Hindus.

Budraca : 'A convoy, or guard upon the road. A tax for convoying goods, protecting the highways, and attending to the inland navigation'.

Bundibust (Bundobust): A settlement. 'Any system or mode of regulation ; discipline ; a revenue settlement'. A settlement of the amount of the revenue to be paid by the Zemindar, renter, or farmer to the Government, or by the tenant to the Zemindar.

Burcandasses (Bercundauzes): Men armed with matchlocks. Foot-soldiers armed with matchlocks. Armed retainers. Armed police-men, or other armed unmounted employees of a civil department.

Burjaut (also **Barjaut, Burjat**) : 'An oppressive custom of forcing the natives to buy goods beyond the market price'.

Buxey (Bakhshi, Bukshy, Buxee, Buxy) : A paymaster ; a military paymaster ; a paymaster of troops ; 'also paymaster, in general, for all disbursements of government'. Also 'Commander in Chief', according to Charles Wilkins.

Buxey Bunder (Buxbunder?) : The office of customs at Hughly.

Calaries (also **Callaries**) : Salt-works.

Calissa Sheereefa (Khalsa Sherefa): 'The royal treasury or exchequer'; the 'office in which the king's accounts were passed'.

Calsa (Colcha, Khalsa, Kalsah) : Belonging to the King. The exchequer ; 'the office of Government under the Muhammedan administration in which the business of the Revenue Department was transacted, and which was continued during the early period of British rule'. According to Charles Wilkins, when the term was applied to lands, it signified lands the revenues of which were paid into the exchequer, as contradistinguished from Jaghire, or from other descriptions of lands, the Government share of the produce of which had been assigned to others.

Canongoe (Canoongoe) : 'The registrar of a *tahsil*, or other revenue subdivision'. The officer 'appointed by the sovereign as register (*sic*) of a province'. An officer of the government, whose duty was 'to keep a register of all circumstances relating to the land revenue, and, when called upon, to declare the customs of each district, the nature of the tenures, the quantity of land in cultivation, the nature of the produce, the amount of rent paid, etc. etc.'

Cartic : The seventh month of the Hindu year in Bengal, corresponding to the period from about the middle of October to the middle of November.

Catwal (Catwall, Cootwall) : A police-officer ; a superintendent of police ; native town-magistrate. 'The chief officer of police in a large town or city, and superintendent of the markets'. Also, 'an inferior officer of the police whose business' was 'to try and decide petty misdemeanours'. 'An officer who in all cities has the care of punishing thieves ; those who drink or sell intoxicating liquors and keep disorderly houses ; and who takes (*sic*) cognizance of such other matters as are not of consequence enough to be brought before the *Fowzdar*'. (Bolts).

Cauzyship : the office or jurisdiction of a Cazee.

Cawn (Khan) : A lord ; a title given to every man of rank.

Cazee (Cazie, Cauzee, Cazzee) : A Muhammadan judge administering justice according to Muhammadan law.

Chawbuck : A whip.

Chawbuckswar : 'A rough-rider'.

Chawdry (Choudhuri) : 'Holder of landed property', next in rank to a Zemindar. The term was also applied 'to the headman of a craft in a town, and more particularly to the person' who was 'selected by Government as the agent through whom supplies, workmen, etc.', were 'supplied for public purposes'.

Chobedar (**Chobdar, Chubdar**) : An attendant carrying a short staff or mace. A staff-bearer. 'An attendant on a man of rank, one of whose employments is to announce the approach of visitors. He waits with a long staff plated with silver, and runs before his master, proclaiming aloud his titles'.

Chokey (**Chowkey, Chokie, Choky**): A watch-house; a customs or toll station; a station of police, a lock-up; a station of palankeen bearers, horses, etc. A place where an officer was stationed to receive tolls and customs.

Choukeydar (**Chokeydar**) : A watchman; also an officer 'who keeps watch at a custom-house station and receives toll and customs.'

Chout (**Chowt**) : A fourth part, a fourth part of sums litigated; the 'duty collected upon judicial decisions in the Cutcherry—courts of Hindostan'. Also 'used for the tribute of the fourth part of the revenues which the Marahtahs' once claimed from many Governments in India.

Chucla (**Chakla, Chuckla,** also corruptly, **Chuila**) : A division of the country consisting of several *parganas* and serving as the unit of administration; also the jurisdiction of a Phouzdar who would receive rents from the Zemindars and account for the same to the Government. A district. A territorial sub-division under the Muhammadan government.

Chuila : See Chucla.

Chunam : Lime. Lime made of shells or stones.

Chutta: Obviously, junior or younger.

Cootbullmoolk: 'The pole-star of the Empire (an honorific title).'

Cowry: A small shell which passed for money.

Croory (**Crori**) : 'A collector of ten millions of dams. A permanent revenue collector of a portion of country, under the older *Muhammadan* government. He sometimes, for a trifle commission, made himself answerable for that amount'.—(Wilkins). Also the 'possessor or collector of a Kror, or ten millions, of any given kind of money; it was especially applied as an official designation, under the Mohammedan government, to a collector of revenue to the extent of a Kror of dams, or 250,000 rupees, who was also, at various times, invested with the general superintendence of the lands in his district, and the charge of the police; the latter was ultimately withdrawn from him, but the former continued till the downfall of the Empire.'—Wilson.

Cutchery (**Cutchary, Cutcherry**) : An office of administration; a court-house; a court of justice; also 'the public office where the rents are paid, and other business, respecting the revenue, transacted'. Also 'an office . . . . . for the transaction of any other public business.'

Dadney (**Dadny**): Money paid in advance for goods. The 'money paid in advance to a merchant, or manufacturer, on a contract for goods'. An 'advance made to a craftsman, a weaver, or the like, by one who trades in the goods produced'.

Dallal (**Deloll**) : A broker.

Damar: Resin, pitch, especially the resinous extract of the Sal tree used as a pitch.

Darogo (**Doroga, Draga, Daroga**): An overseer or superintendent 'of any department; as of the police, the mint, etc.' 'The chief native officer in various departments under the native government, a superintendent, a manager: but in later times he is specially the head of a police, customs, or excise station'.

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Darogo Adawlut al Aalea (**Darogha-i-Adalatul Aliya**) : "Deputy of the Nazim in the Supreme Criminal Court of Bengal".

Darogo Adawlet Diwani (**Darogha i-Adalatud-Diwani**) : "Deputy of the Diwan in the Civil Court".

Decoits (**Dakoits, Dekoits**) : Gang robbers.

Deoter (**Debattar**) : 'For the gods. Land granted for religious purposes'.

Dewan (**Diwan, Duan**) : 'Native minister of the revenue department, and chief justice in civil causes within his jurisdiction'. 'A minister, or chief officer of state. Under the Mohammadan government it was especially applied to the head financial minister, whether of the state or of a province, being charged, in the latter, with the collection of the revenue, the remittance of it to the imperial treasury, and invested with extensive judicial powers in all civil and financial causes'. (Later on 'the prime minister of an Indian State'). Also *see pages 50–54 ante.*

Dewan-connah (**Dewan khana, Diwan khana**) : The Diwan's court or office ; 'a court of civil or revenue jurisdiction ; a hall of audience'. A Council Hall. Also, 'an office for keeping the government accounts'.

Dewani, Dewanny, etc. : See Diwani.

Diwan : See Dewan.

Diwani (**Dewanny, Duanny, Duannee, Dewaunai, Dewaunnah** (?), **Dewaunee, Dewany, Dewannee, Dewanee, Dewaune**) : Of or relating to a Diwan (Dewan) ; civil, as distinguished from criminal; 'the office, jurisdiction, emoluments, etc., of a Diwan' (Dewan). Also *see pages 1–6 ante.*

Dorogo Audaulet (**Darogha-i-Adalat**) : "Under the native system, a judge or deputy presiding over a court in the absence of a superior of high mark".

Doul (**Daul, Dowle**) : An estimate. An estimate of the amount of revenue which a district or an estate may be expected to yield. Also valuation.

Dufter (**Dafter**) : Register ; record ; office.

Dufter-khana : 'A record office; any office'. An office for keeping the government's accounts.

Durbar : A Court or Levee; the hall of audience. 'The Court of a Mogul, Nabob, or any great man'.

Dussuttra (**Dasotra**) : Ten per cent ; 'the tenth of the value of property litigated, exacted from the successful parties under the Muhammadan system'.

Dustuck (**Dustick**) : A passport, permit, or order. The term usually meant the passport issued by the governor of Fort William, or the Chiefs of English factories, for the goods of the Company or of their servants, which exempted them from the payment of duties.

Emambarrah (**Imaumbarra**) : The term is 'applied to a building maintained by Shia communities in India for the express purpose of celebrating the Mohurrum ceremonies'.

Etlack (**Etlak**) : (Probably, the word intended was *Itlaq* the meanings of which were as follows : 'Setting at liberty, liberating, releasing, dismissing, sending away ; loosening, relaxing, divorcing, repudiating'). Also, 'in Hindustan, the office and records of summonses, and fees on their delivery'. 'Under the Mohammadan government, fees paid by suitors on the decision of their causes ; also a fee exacted from a defendant as wages for a person stationed over him as soon as a complaint was preferred against him'.

Fakeer: 'A poor man, mendicant, or wandering beggar of the sect of Muhammad'.—Wilkins. The term is 'applied to a Mahommedan religious mendicant, and then, loosely and inaccurately, to Hindu devotees and naked ascetics'.

Farman (Firmaun, Firmaund, Phirmaun, Phirmaund, Phirmand, Pheermand): A grant, order, decree, or command of the (Mughal) Emperor. A patent or passport.
Also see pages 360–63 *ante*.

Faugun: Eleventh month of the Hindu year in Bengal, corresponding to the period from about the middle of February to about the middle of March.

Fetwa: See Futwa.

Firmaun: See Farman.

Fougedar (Fousdar, Foujdar, Fouzdar, Phousdar): "Properly a military commander or a military governor of a district...... .....Also used in Bengal, in the 18th century, for a criminal judge". The chief magistrate of a large district called Chucla. Also an officer who would receive rents from the Zemindars and account for them to the Government. An officer in all great cities in charge of the police and having power to take cognizance of all criminal matters.

Fouzdary (Foujdary, Fougedarry Fowjdarree, Fowzdary, Phozdari, Fougedarry, Phouzdary): The office and jurisdiction of a Fouzdar; police jurisdiction; "criminal as opposed to civil justice"; also the produce of fines, etc., in a criminal court.

Fringy: "The Indian-born Portuguese". The term was also applied, in some parts of India, to Europeans in general, often by way of disparagement.

Frost (Farash, Ferash?): "A menial servant whose proper business is to spread carpets, pitch tents, etc."

Fussul Rubby: "The spring season or harvest, for peas, wheat, etc."

Futwa (Futwah): A judicial decree, sentence, or judgment, particularly when delivered by a Muhammadan Law Officer on a case placed before him.

Gentoos (Jentoos): ("Probably a corruption of the word *Gentile*"). The term was "applied in two senses:
a. To the Hindus generally.
b. To the Telugu-speaking Hindus......specially, and to their language".

Geuchout: See page 386 *ante*, and foot-note 3 thereon.

Gomastah (Gomastha, Gomasta): An Indian commissioner, factor, or agent; also "a clerk for vernacular correspondence".

Guzerattis: Inhabitants of Guzerat (Guzarat), Western India.

Haldarree (Haldarry): A tax on marriage. (According to Wilkins, the term also meant a tax on ploughs.)

Hindostan (Hindustan, Indostan): (Literally, "the country of the Hindus"). Now it is "the equivalent of India Proper". "India is known in the East by the name of *Hindoo-stan*." (Verelst).

Hindostanees: Natives of Hindustan.

Hircarrah: "A messenger, a courier; an emissary, a spy".

Hororey (Harauri, Harori): "The occupation of ploughing; a place where ploughing is going on; money lent by a cultivator to a ploughman (bearing no interest as long as he serves)."

Husbullhookum (Hosbolhookum): "An official confirmation, under the seal of the vizier, enforcing obedience to the Emperor's *Firmaun*". "A patent or order, under the seal of the Vizier, with these initial words signifying 'according to the command'". These

words formed "the initial formula of a document issued by officers of State on royal authority".

Hustabood (Hoostabud): A rent-roll of either a grand division or of a lesser district; also a detailed inquiry into the value of lands financially considered; also a comparative account, showing the present and past produce of an estate.

Ijlas : "A sitting, especially of a court of justice"; under the Muhammadan Government the term "usually denoted an assembly of jurists or learned men for the decision of an intricate or important cause".

Indostan : See Hindostan.

Investment: A certain portion of the revenues of Bengal was set apart for many years for the purchase of goods to be exported to England, and this was called "the Investment".

Jagheer (Jaghire): An assignment of the Government share of the produce of a portion of land to an individual, generally for military services, or "for the support of any public establishment, particularly of a military nature".

Jagheerdar (Jaghierdar): The holder of a Jagheer.

Jaloos: "The accession of a sovereign to his throne; his sitting on the musnud."

Jemautdar (Jemadar): "A leader of a body of individuals"; "the title of the second rank of native officer in a company of sepoys".

Jenana (Zenana): "The apartments of a house in which the women of the family are secluded"; "also used for the women of the family themselves".

Jentoos: See Gentoos.

Jimidar (Jemmedar, Jimidar, Jimmidar): See Zemindar.

Jimmidarship : The office or jurisdiction of a Jimmidar (Zemindar).

Juremana: Fine, penalty, forfeit.

Kalsa: See Khalsa.

Kartic: See Cartic.

Kelat (Kelaut, Killaat): "A dress of honour; any article of costume presented by the ruling or superior authority to an inferior as a mark of distinction". The meaning was "often extended to the whole of a ceremonial present of that nature, of whatever" it might consist.

Kellah (Kella): A fort or citadel.

Ketree (Khettry): The second or military caste in the hierarchy of the Hindu social organization.

Khalsa (Kalsah, Khalsah) : See Calsa.

Khoran (Koran): 'The book containing the religious precepts of Muhammad'.

Kistbundee (Kistbundie) : An agreement for the stated payments of a sum of money, to be discharged at different times; settlement of the instalments of revenue both as to time and amount.

Kushmeerees : Inhabitants of Kashmir.

Laak (Lac, Lack, Lakh): One hundred thousand.

Maharauje (Maharaja, Mahraja) : Literally, 'a supreme or sovereign prince' or 'the great prince'. Also applied in courtesy to an Indian Raja, prince, nobleman, etc. A title 'signifying Great Rajah'.

Maug (Magh): The month so called. The tenth month of the (Hindu) Bengal year (from about the middle of January to about the middle of February).

Mir (Meer) : A chief, a head or leader; also 'the title of the head of a department'; also 'a title borne by Sayids, or those persons who claim a descent from the family of Mohammad'.

Mirsummani : Relating to the Head Steward (?).
Mirsumari : Chief or Head Accountant.
Mochulca : 'A solemn engagement or declaration in writing'. 'A written obligation or bond'.
Moffusul (Mofussul, Mofussil) : 'The country stations or districts as contra-distinguished from the Presidency'; also the rural areas of a district as contradistinguished from the *Sudder* or chief station, which is the residence of the district authorities.
Mogul (Mughal) : Properly 'a person of the great nomad race of Mongols, called in Persia, etc., *Mughals* ; but in India' it is used in reference to the family of Baber. Also used in reference to the Mughal Emperor of Delhi; also as the designation of one of the great Tartar tribes.
Mohrir (Mohurra) : A writer or clerk in an office; 'a writer in a native language'.
Mohtesib : 'A superintendent of markets and police; an officer appointed to take cognizance of improper behaviour, as of indecency, drunkenness, gambling; also of the sale of intoxicating drugs and liquors, and false weights and measures'.
Mohur (Mohr) : 'The official name of the chief gold coin of British India'; also 'a gold rupee of variable value, worth from 12 to 16 silver rupees'; also a seal.
Mohurrum : 'Properly the name of the 1st month of the Mahommedan lunar year'.
Molungee: 'A worker of salt; a salt-maker'. A manufacturer of salt.
Mongon (**Mangan, Mangon, Manghan**): A cess or tax levied by officers of chokeys and ghats (landing-places), as perquisites for themselves and zemindars; also an unauthorized exaction by officers at landing places and customs-stations for themselves or zemindars or for both.
Monsubdar (Munsubdar, Mansubdar) : The holder of a Monsub (an office of dignity and title, generally of a military nature); 'a military officer of rank holding this title under the Musalman governments'.
Moor (Moorman, Moorish) : A Muhammadan.
Moulavi (Maulavy, Moulavy, Mowlavy) : A learned man (Muhammadan); a teacher and expounder of Muhammadan law; a usual prefix to the names of Muhammadan learned men.
Mounshy (Moonshee, Moonshy) : Letter-writer; secretary; reader; an interpreter. Also 'Europeans give this title to the native who instructs them in the Persian language'.
Muccadin (Mocuddim, Muccaddin): "Head Ryot, or principal man in a village, who superintends the affairs of it, and, among other duties, collects the rents of government within his jurisdiction".
Mufty (Moofty): "An expounder of the Mahommedan Law, the utterer of the *fatwa*". "The Muhammadan law officer who declares the sentence".
Mulguzarry (Malaguzury, Malguzarry): The land-revenue; revenue assessment; the payment of land-revenue. The term was also applied to assessed lands, or to the rents thereof.
Mulla : A learned man; a teacher; "the usual Mussulman term for a schoolmaster".
Mudsidies (Mutsedies, Mutsuddys, Muttaseddees, Muttasuddies): Writer or clerk in a public office; also a general name for all officers employed in keeping the accounts of Government or of any person of consequence.

Musnud: A throne; also "an elevated place of distinction in the Durbar, covered with a cloth, or carpet, for the prince to sit on".

Mussalmen: Muhammadans.

Muzzarries: Sowers; husbandmen; cultivators; peasants.

Nabobship: The office or jurisdiction of a Nabob (see Nawab).

Naib: A Deputy.

Naibut (Niabut, Neabut): A deputyship. "The post, office, or jurisdiction of a *Naib*, or deputy"; also "Lieutenancy".

Naib Diwan (Naib Dewan, Naib Duan): Deputy of the Diwan (see Dewan); Deputy Financial Minister of a Province.

Naib Nazim: 'Deputy governor and administrator of justice'; also 'an officer nominally under the Nawab of Bengal, but appointed by British authority to superintend the administration of criminal justice'.

Naib Subah (Naib Souba): Deputy of the Subahdar (the Viceroy, or Governor of a province).

Nawab (Nabob): By pre-eminence this title was generally used to signify the Nazim (see below). 'The Governor of a province under the Mogul government'. The title was also given by courtesy to persons of high rank or station.

Nawab Nazim: Viceroy or Governor of a province. This term was generally applied to the Nawab of Moorshedabad.

Nazim: The first officer of a province, also styled Nawab or Subahdar, in whose hands the executive power was vested; 'the lord lieutenant, viceroy, or governor of a province'.

Nazir: Supervisor or inspector.

Nizamut (Nezamut, Nezamatt, Nezemut): The office, or jurisdiction of the Nazim or Viceroy of a province; also the administration of criminal justice. (Also see page 3, foot-note, *ante*.)

Nushan (Neeshan, Nishan): A sign, a mark, an emblem, a signet, an ensign, a flag, a badge, a device, a standard; "family arms, armorial bearings; letter of a prince".

Nuzar (Nuzzer, Nuzzar): A ceremonial present or offering to a superior.

Nuzerana (Nuzzerana): Anything given as a present, or any sum paid to the Government, as an acknowledgment for a grant of lands or any public office.

Omrah: 'A man of the first rank in the Mogul empire'. It was a title 'given to all the nobility of the first rank in the Mogul empire'. Also, 'the nobles of a native Mohammedan Court collectively.'

Pagoda: See page 273, foot-note 2.

Palankeen (Palanqueen, Pallankin, Pallankeen): A kind of 'vehicle carried on men's shoulders'. 'A box-litter for travelling in, with a pole projecting before and behind, which is borne on the shoulders of 4 or 6 men'.

Pargana: See Pergunnah.

Pattah (Pottah): A lease stating the area of the land let out to a farmer, the rent payable by him and the conditions of his tenure, etc.; a document stating the conditions on which lands are held.

Peon: A footman, a footsoldier, or an attendant, generally armed with a sword and a shield; also a messenger.

Pergunnah (Pargana, Purgunnah): The largest division of land in a zemindary; also a small district comprizing several villages, being a subdivision of a *chucklah* (chucla).

Perwana (Perwauna, Perwannah, Perwwannah, Purwannah, Purwanna): An order, warrant, grant or letter under a great seal; a

letter of authority from a superior to an inferior or dependant; a licence or pass.

Pescush (Piescash, Pishcash): A tribute, quit-rent, fine, or a present paid to Government, as an acknowledgment for any tenure, etc.

Peshkar (Peshcar): 'Chief agent or manager; chief assistant'.

Phirmaun (Phirmaund, Phirmand, Phurmaund): See Farman.

Phoujdarree (Phouzdari. Phouzdary): See Fowzdary.

***Phousdar (Phoujdar)**: See Fougedar.

Pike (Paik, Pyke): A foot-messenger; also a watchman employed as a guard at night; 'a runner . . . . on the business of the revenue'; an armed attendant.

Poonah (Poonya): Literally, a holy day. The day when the revenue settlement for the new year is made

Poos (Pous): The ninth month of the Bengal (Hindu) year (from about the middle of December to about the middle of January).

Putchootra (Pachotara, Panchoutra, Penchattara, Puchuttra): A duty of five per cent. on the value of goods in transit; also a 'custom-house for collecting the inland *sayer* (customs, tolls, etc.) duties'.

Pycar: 'A person who purchases goods from the first hand to sell to the merchant'. 'A broker, inferior to those called *Dallals*, who transacts the business at first hand with the manufacturer, and sometimes carries goods about for sale'.—(Bolts). 'Pykars (*Dellols*, and *Gomastahs*) are a chain of agents through whose hands the articles of merchandize pass from the loom of the manufacturer, or the storehouse of the cultivator, to the public merchant, or exporter'. (Verelst). Also see page 119, foot-note 1, *ante*.

Raja (Rajah): King; prince. Also 'applied to many humbler dignitaries, petty chiefs, or large zemindars'. Also, a title of nobility conferred on Hindus of rank.

Rassoom (Russooms): 'Customs, customary commissions, gratuities, fees, or perquisites. Shares of the crops and ready money payments received by public officers, as perquisites attached to their situations'.

Roy Royen (Roy Royan): The principal officer under the Diwan, in charge of the crown lands. Also, a '*Hindu* title given to the principal officer of the *Khalsa*, or chief treasurer of the exchequer'.

Rowana (Rowanna, Rowauna): A passport, permit, a certificate from the Collector of Customs.

Rubby (Rubbee): 'The Spring'. 'Crops, or harvest of the crops, which are sown after the rains and reaped in the following spring or early summer'.

Ryot (Reiat, Ryott): A tenant, or peasant, or farmer.

Sadar: See Sedder.

Sallamy (Salami, Salamy): 'A gratuity or offering on receiving a lease . . . . . . or on receiving any favour real or implied'. A 'free gift made by way of compliment, or in return for a favour'.

Sawun (Sawan, Sravan?): The fourth month of Bengali (*Hindu*) year (from about the middle of July to about the middle of August).

Sanad: See Sunnud.

Sedder (Sadar, Sudder): The presidency. 'The chief seat of government, as contradistinguished from *mofussil* or interior of the country'; also the chief station of a district.

Sepoy: An Indian soldier, 'disciplined and dressed in the European style'.

Seraglio: Harem.

Sewarry (Suwarry): See Asswarry.

Shekerana (Shukerana) : ' A complimentary present ; a fee or present paid by the party to a suit in whose favour it is decided '. ' Acknowledgment ; thanks '.

Shanscrete : Sanskrit (language).

Shaster : ' The Law books or Sacred Writings of the Hindus '.

Shawz-adda (Shah-zada) : ' The king's son '. A prince ; also used in reference ' to any person of royal extraction '.

Sicca (rupee) : Any new coin. It meant '*stampt*' or '*sealed*'. The term was used to imply ' the standard silver rupee of the Bengal mints '.

Sircar (Circar, Sirkar, Sarkar) : The State, the Government, the supreme authority. Also Under-Banyans of European gentlemen ; also a domestic servant ' who is a kind of house-steward, and keeps the accounts of household expenditure, and makes miscellaneous purchases for the family '; an Indian accountant in merchants' offices or ' a native employed in making purchases '. Also ' certain extensive administrative divisions of territory '.

Sophar (Suffer, Safar) : The second month of the lunar (Muhammadan) year.

Subadar (Subahdar) : Literally, one holding a Subah. The Viceroy or Governor of a province. Equivalent to Nawab or Nazim. Also, ' the chief native officer of a company of sepoys '.

Subadarree (Subadarry, Subahdarree, Subahdarry) : The office or jurisdiction of a Subadar.

Subah (Sooba, Souba, Soubah, Suba) : A large division or province of the Mughal Empire, such as Bengal ; also sometimes loosely used as the ruler of a province (Subadar).

Subaship (Subahship) : The office or jurisdiction of a Subadar.

Sudder (Sadar) : See Sedder.

Sudder Diwani Adalat : The chief civil court of justice under the Company's Government. See pages 478–82 *ante*.

Sudder Nizamut Adalat : The chief criminal court of justice under the Company's Government. See pages 478–82 *ante*.

Suffer : See Sophar.

Sultanet (Sultanut) : Dominion ; empire ; sovereignty ; kingdom.

Sunnassies : Hindu religious mendicants.

Sunnud (Sanad, Sunnod): A grant or charter or patent from any person or persons in authority.

Sunnot (Sunot, Sunnut) : Rupees of old dates, on which a discount was allowed.

Talsels (Tafsil) : " Analysis, separation, division ; explaining distinctly or in detail : explanation ; particulars, details ".

Talook : A small zemindary ; also a subdivision of a zemindary, held by a Talookdar. ' Tracts of proprietary land, sometimes not easily distinguished from *zemindaries*, and sometimes subordinate to or dependent on zemindars '.

Talookdar : The holder of a Talook. The zemindar of a small district ; a renter, under a zemindar, of the subdivision called Talook. Talookdars ' are petty *zemindars* ; some of whom pay their rent, or account for the collections they make from the *Ryots*, through a superior *zemindar* ; and others direct to government '.

Talookdarry : The jurisdiction of a Talookdar. Also Talook.

Tannadar : The chief of a police station ; the commander of a small fort.

Tom Tom: An Indian drum. ' A name vulgarly given to the Indian drums used in proclamations, and rejoicings '.

Tuncaw : 'An assignment on the revenue for personal support, or other purposes' ; also 'a word for the wages of a monthly servant'.

Ultamgan (Altamgha, Althamga) : 'A royal grant in perpetuity; perpetual tenure. An heritable *Jaghire* in perpetuity'. Also, 'a royal grant under the seal of Indian Princes conferring a title to rent-free land in perpetuity, hereditary and transferable'. Also 'an allowance paid from the revenues to religious, or learned men'.

Vakeel (Vackeel, Vaqueel) : An attorney ; or an agent or ambassador 'sent on a special commission, or residing at Court'. One endowed with authority to act for another.

Vizeer (Vizier, Vizir): "A 'minister', and usually the principal minister, under a (Mahommadan) prince".

Wadadar: 'An officer of the collections'.

Ytisab (Ihtsaib, Yetasaub) : 'Computing; calculating, making up accounts ; superintendence of weights and measures in the markets ; the police ; forbidding disorderly conduct'.

Zecade : The eleventh month of the lunar (Muhammadan) year.

Zeelhedge : The twelfth month of the lunar (Muhammadan) year.

Zemindar: A land-holder who 'pays revenue to the Government direct, and not to any intermediate superior'.

Zemindarry (Zemindari): The office or jurisdiction of a zemindar; also the lands held by a zemindar.

Zimun (Zymn): 'The interior of anything, what is included, contents. The inventory, schedule, or described particulars accompanying a *Sunnud* or grant of land'. Also see page 624, foot-note 5.

INDEX

(Both the word 'note' and the letter 'n' indicate foot-note).

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